MINISTRY OF FORESTS

Ministry Policy Manual
Resource Management

Consolidated to October 1, 2005.

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REGISTER OF AMENDMENTS

NOTE: This consolidation includes amendments 1 – 34.

MINISTRY POLICY MANUAL - RESOURCE MANAGEMENT

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November 1, 1993

To All *Ministry Policy Manual* holders

This manual supersedes all existing policy statements, specifically, Volumes I, II and III of the Ministry Policy Manual (green binders)which are now null and void. The new *Ministry Policy Manual* has been completely updated and revised.

The purpose of the *Ministry Policy Manual* is to establish official ministry policy through concise, non-technical statements and to communicate that policy to ministry staff, licensees, interest groups, and the general public. All the policies in this manual have been approved by the Executive of the Ministry of Forests. These policies are the primary guidelines for the administration and operations of the Ministry of Forests, pursuant to the Forest Act and other Acts and Regulations to which the ministry must adhere.

The Information Management Group of the Ministry of Forests is responsible for the formatting, printing, distribution, and maintenance of ministry policies. Any questions regarding the manual or the policy development process should be directed to the Manager, Planning, Information Management Group, at 387-6515.

Please remember that the *Ministry Policy Manual* is a collection of policy guidelines and, as such, does not replace decision making. If in doubt about anything in this manual, consult with your Branch Director or Regional or District Manager.

I would like to thank the ministry employees throughout the province who contributed to the production of this manual.

Yours truly,

Gerry Armstrong
Deputy Minister

Scope

This section introduces the *Ministry Policy Manual*, including its authority, purpose and role, and structure. Also included are procedures on developing, writing, approving, publishing, and maintaining the *Ministry Policy Manual*.

Overview

Welcome to the *Ministry Policy Manual*. The goal of this manual is to set out all Ministry of Forests policy. Policies enable the Ministry to accomplish its objectives in the most effective manner. Policies let staff make sound decisions while relieving the Executive, Branch Directors, and Regional and District Managers of involvement in routine decision making. Policies ensure that Ministry programs and operations are administered consistently, and that clients and members of the public are treated fairly and uniformly.

Authority

Effective October 31, 1993, the old Ministry Policy Manual, volumes I, II, and III, will be null and void, and will be replaced by these two new volumes.

The *Ministry Policy Manual* will be the only official version of Ministry policy. Therefore, Branch Directors are responsible for ensuring that all policy issues are addressed within the manual. Policy is not to be promulgated by memoranda.

Ministry policy is subordinate to and must conform with Government policy and that of central agencies, such as the Treasury Board.

Ministry policy must be reviewed and approved by Branch Directors and the Deputy Minister before being included in this manual. The "Developing Policy" section of this Introduction gives detailed information on the policy development and review process.

The *Ministry Policy Manual* is to be used as an aid to Ministry policy only and is **not** to be used for the purpose of legal interpretation of any acts or regulations covered herein.

Purpose and Role of Policy Manual

The purpose of the *Ministry Policy Manual* is to establish official Ministry policy through concise, non-technical statements and to communicate that policy to Ministry staff, licensees, interest groups, and other interested members of the general public.

Other Ministry manuals and documents communicate a variety of essential information to staff. To avoid confusion, the term *Ministry policy* is reserved for the policies contained in the *Ministry Policy Manual.* Other information or directives distributed to staff should be termed *program procedures, guidelines, standards*, or other applicable terms.

Similarly, policy issued by announcement, press release, letter, memo, bulletin, or other means is not considered to be official *Ministry policy* until it is published in the policy manual.

Structure of Policy Manual

The *Ministry Policy Manual* is divided into two volumes: *Revenue and Corporate Services* and *Resource Management.* The *Revenue and CorporateServices* volume contains policies covering the administration of Ministry programs, such as financial management, human resources, and information systems. The *Resource Management* volume contains policies covering the operations of the Ministry, such as silviculture, fire protection, and timber harvest management.

Each volume is divided into a number of functional categories (chapters), such as *Program Audit, Recreation Management*, and *Fire and Aviation Management*. The chapters contain policies that relate to that functional area. Policies in one chapter may be the responsibility of several different branches.

Each policy is a stand-alone module and has its own:

- title
- section number
- revision date
- page numbering

When a policy is revised, the entire policy will be re-published with the most recent changes clearly marked. An *Amendment Log* will track each revision or addition to the manual. Periodically, the table of contents and index will also be revised and re-published.

New in this Manual

Policies are now grouped by program function rather than by branch name. This will make it easier to update the manual as branch responsibilities change.

Repetitive and motherhood information included in old policies has been eliminated in most cases, including information under the old headings of Definitions, Procedures, and Responsibilities. Most branches have program manuals containing procedures and responsibilities, so the *Ministry Policy Manual* will **no longer include this data**.

Current Status of Manual

This edition of the new *Ministry Policy Manual* is evolving as many policies are still in the process of being drafted, edited, and approved. New and updated policies will be published by Information Systems Branch as they become available.

If you need policy information which is not yet a part of this manual, please contact the appropriate branch or program section for guidance.

Developing Policy

Policy Criteria

The following criteria should be used to determine what subject areas require policies, and the contents of the policies:

Is significant: The policy must have a significant impact on Ministry operations or administration, or be of significant interest to Ministry staff for the foreseeable future. Policy relating to situations that are unlikely to reoccur, or whose significance will likely diminish over time, should not be included.

Is of broad interest: The policy should apply to, or be of interest to, two or more functional areas within the Ministry. Information that is of interest to staff within one functional area only should be included in program manuals.

Sets out rules only: The policy must establish general or specific rules or guidelines for Ministry staff to follow, **not** procedures or responsibilities.

Is useful: The policy should be useful and not self-evident to the average reader (i.e., avoid motherhood statements).

Policy Format and Contents

To ensure that Ministry policies are communicated in a consistent manner, all policy statements will use the following three main headings:

- Scope
- Policy
- References

Scope: Describes the contents of the policy in one or two sentences. The intent is to clarify for the reader what the policy covers. If the scope of application of the policy is restricted, the scope will be briefly described. If the title includes a technical term, the meaning of the term will be briefly defined.

Policy: Sets out Ministry policy. The first paragraph will provide a summary statement of the policy. Following paragraphs will provide additional relevant detail. Second-level headings that describe the content of sections of the policy are encouraged. A third level of heading may also be used if necessary. Sub-headings under *Policy* should be short and descriptive.

References: Lists sources of information alphabetically, including acts and regulations (with section numbers, if appropriate), Ministry program manuals, and other related documents.

To ensure that policies remain current and do not need to be revised frequently, the following types of information should be avoided:

- personal names (position titles are acceptable)
- addresses or telephone numbers

- specific costs or fees (if necessary, these should published on a separate fee schedule)
- specific reporting relationships
- topics covered by collective agreements

Policy contents should be organized **top down** starting with an overall general statement and working down to specific details covering:

- situations in which the policy applies
- purpose or background
- details of how the policy is applied
- definitions of key terms
- general responsibility for implementing the policy

To ensure that policies provide a concise summary that is useful to all Ministry staff without being burdened with information that is more appropriate for Ministry program manuals, the following should be avoided:

- procedures for implementing the policy
- definitions of commonly understood terms
- detailed responsibilities for implementing the policy
- descriptions of forms and approval processes
- appendices

Procedure documentation will not be included in the policy manual. Branches are responsible for ensuring current procedures are included in branch procedure manuals.

Development and Revision Process

Ministry policies, whether new or revised, will be developed using the same process, outlined below. The Information Systems Branch is responsible for the coordination, publication, and maintenance of Ministry policies.

The Branch Director responsible for the function covered by the policy will develop or revise a policy. However, any staff member may initiate a new policy or generate a revision by contacting the responsible Branch Director.

The Branch Director, or subordinate technical specialist, will prepare a draft statement of the policy in the standard format, for approval-in-principle by the Deputy Minister or Assistant Deputy Minister to whom the Branch Director reports.

Once approved-in-principle, the responsible Branch Director will forward the draft to the Information Systems Branch, which is responsible for:

- editing, in consultation with the originators, for clarity, conciseness, and completeness
- ensuring conformity to format specifications
- word processing and printing on policy letterhead (DM approval copy)
- determining the appropriate placement within the manual

Once returned to the Branch Director, the draft policy will be circulated to all interested parties, including officials in other ministries, central agencies, special interest groups and organizations, and other branches with an interest in the policy. If there are legal issues which need to be considered, the draft will be forwarded to Legal Services for review. Reviewers will be given a maximum of one month to return the draft with comments/approval.

The responsible Branch Director makes appropriate changes based on the review comments, sends the policy to the Information Systems Branch for final editing, and forwards a final copy for review by the Assistant Deputy Minister and Executive. Policies must be signed by the Deputy Minister to take effect.

The Deputy Minister returns the signed policy to the appropriate director who in turn forwards it to Information Systems Branch for publication.

The director responsible will take whatever steps are required to ensure that the appropriate people, both inside and outside the Ministry, are aware of the policy. This may include issuing bulletins or press releases, holding press conferences, and publishing public notices. These should be coordinated through Public Affairs Branch. The responsible director will also ensure that adequate training sessions for managers and supervisors are conducted to communicate the background, rationale, and application of the policy. Please direct your questions on the content of a policy to the responsible branch.

Writing Style

Ministry policy must be written clearly and concisely, and be understandable to all users.

Technical language and acronyms should be used sparingly and only to the extent necessary to explain the policy. Acronyms should be spelled out the first time they are used. Definitions of technical terms and acronyms should be included where appropriate.

Most policies need some flexibility in their application, so they should not be rigidly worded. It is the function of Ministry procedures manuals and program manuals to interpret policies to fit the variety of circumstances in which they will be applied.

Policy Publication and Maintenance

The Information Systems Branch will publish the Ministry Policy Manual via the Web.

The branch indicated on the policy in the *Responsible Branch* box indicates who is responsible for ensuring that the policy remains current and complete. Questions relating to a specific policy should be referred to the responsible branch.

At a minimum, Branch Directors should review annually all policies for which they are responsible.

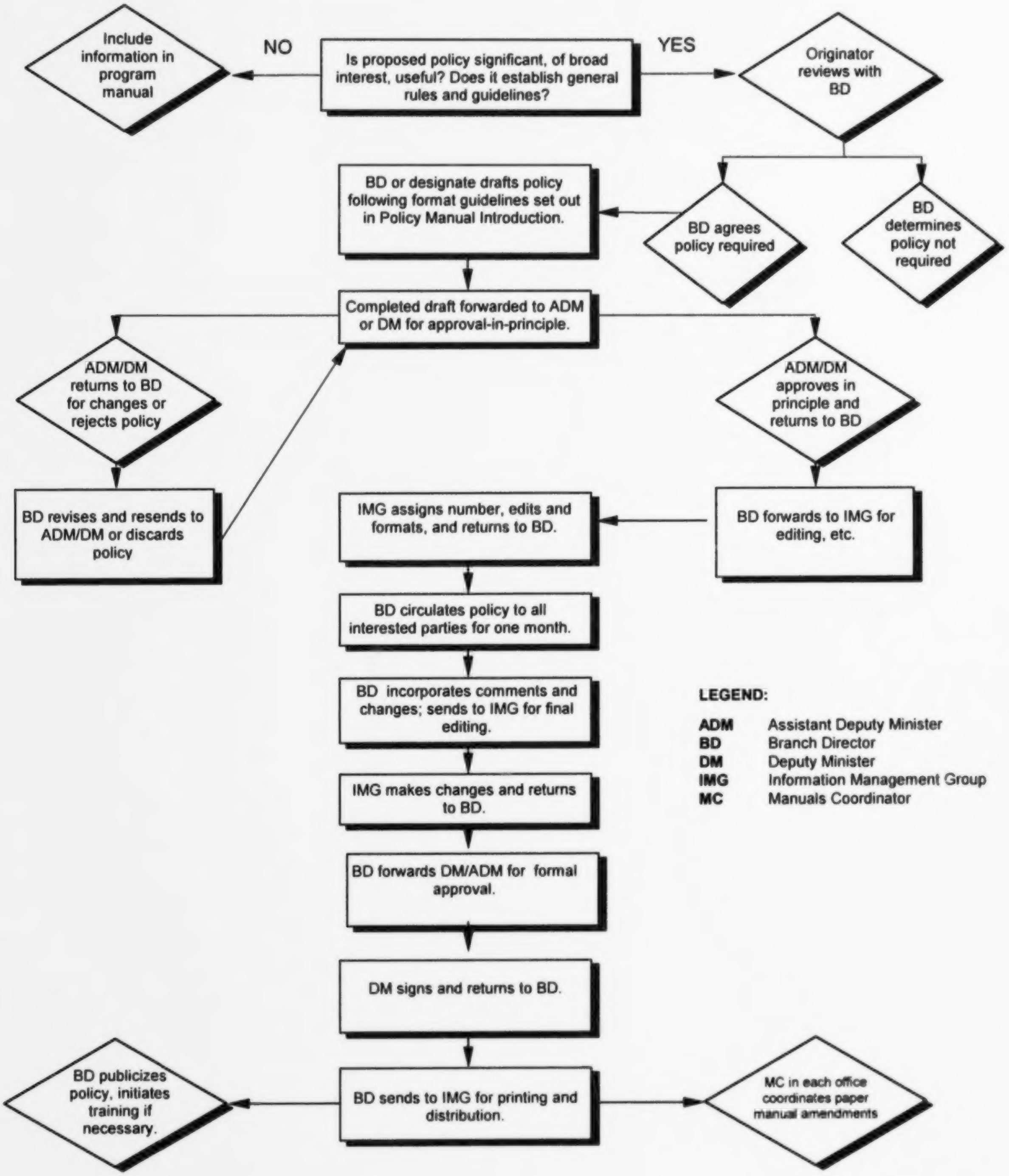
Evaluation

This manual is for your use. We welcome your comments and suggestions on how to improve its use and readability. Please direct your comments to the Information Systems Branch, Attention: Manager, Planning.

References

No applicable references.

Policy Development and Approval Process


Include information in program manual
NO
Is proposed policy significant, of broad interest, useful? Does it establish general rules and guidelines?
YES
Originator reviews with BD
BD or designate drafts policy following format guidelines set out in Policy Manual Introduction.
BD agrees policy required
BD determines policy not required
Completed draft forwarded to ADM or DM for approval-in-principle.
ADM/DM returns to BD for changes or rejects policy
ADM/DM approves in principle and returns to BD
BD revises and resends to ADM/DM or discards policy
IMG assigns number, edits and formats, and returns to BD.
BD forwards to IMG for editing, etc.
BD circulates policy to all interested parties for one month.
BD incorporates comments and changes; sends to IMG for final editing.
IMG makes changes and returns to BD.
BD forwards DM/ADM for formal approval.
DM signs and returns to BD.
BD publicizes policy, initiates training if necessary.
BD sends to IMG for printing and distribution.
MC in each office coordinates paper manual amendments

LEGEND:

ADM	Assistant Deputy Minister
BD	Branch Director
DM	Deputy Minister
IMG	Information Management Group
MC	Manuals Coordinator

Chapter 1 - Inventory
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1.2 Certification of Air Photo Interpreters

Ministry of Forests
POLICY MANUAL

Subject: Tree Farm Licence Inventory
Branch: Inventory and Forest Practices Branches
Signature: Philip G. Halkett, 23-Apr-93

No: **1.1**
Effective: 15-Feb-97
Updated: 15-Oct-97

Scope

This policy covers the inventory of forest, range, and recreation resources within tree farm licence boundaries.

Policy

Tree farm licence holders are responsible for conducting and maintaining inventories of timber, range, and recreation resources within their tree farm licence boundaries at their own cost as a condition of their licences even if there are other licence holders in the area. Licensees must provide inventory base data and results to the Ministry (*Forest Act*, s. 35).

The Ministry will set the minimum acceptable standards for conducting inventories. These will be the standards used for the provincial inventory programmes. All management and working plans will contain commitments by the licence holder to upgrade all components of the inventories that do not meet the minimum Ministry inventory standards.

Licensee Responsibilities

Tree farm licence holders are responsible for the following activities:

Data Management:

- acquiring and maintaining files of all basic support materials and background information necessary to conduct inventories or updates, including air photographs
- creating digital graphics and attributes for all database files, and area/volume statistics for timber database files

Planning and Implementation:

- developing long-term plans for carrying out inventories and updates
- planning and carrying out timber inventories under a pre-approved sampling plan
- planning and carrying out timber growth and yield projects in cooperation with the Ministry
- consulting with the public in carrying out recreation inventories

Reporting:

- providing to the Ministry, upon completion of an inventory, digital inventory information in a format compatible with Ministry systems and standards (including data for air and ground calls and samples)

- providing a digital inventory update of graphics and attributes for all inventories, and area/volume statistics files for timber inventories by March 1 of each year or as specified by the Chief Forester

Ministry Support

The Ministry will provide limited support for the TFL inventory program as follows:

Regional Staff:

- providing technical direction and training in planning and implementing inventories

- providing financial support to TFL holders for initial digitizing of their inventories, subject to available funding and compatibility with Ministry systems. Level of support will be based on regional averages developed from provincial TSA re-inventories. (If funding is available, there may be cooperative inventory and growth and yield projects between the TFL holder and the Ministry.)

Branch Staff:

- supplying basic forest, range, and recreation inventory data from the provincial database (if available)

- supplying previous and new base maps for the licence area to support the digital conversion of the TFL inventory

- supplying current stand volume equations and loss factors

Approval of Growth and Yield Methodology

Prior approval must be obtained from the Inventory and Research Branches whether licensees use their own or standard Ministry growth and yield methods for timber supply forecasts. Where licensees choose to use their own methodology, the onus will rest upon the licensees to prove that the results meet or exceed the quality that would have resulted using Ministry techniques. Supporting information must be provided.

Audit

Ministry staff may audit the technical accuracy of licensee inventories. The licensee will cooperate with Ministry personnel, as required, to assess and identify components of TFL inventories which do not meet Ministry standards.

References

- *Forest Act*, s. 9, 35

Ministry of Forests
POLICY MANUAL

Subject: Certification of Air Photo Interpreters
Branch: Inventory Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 1.2
Effective: 01-Apr-93

Scope

This policy describes the certification that photo interpreters working in and contracted to the Forest Inventory program should have.

Policy

All Ministry employees and private contractors who engage in the practice of forest classification by photo interpretation on provincial forest land will hold a valid Certificate of Air Photo Interpretation for Forest Inventory.

Qualifications

Photo interpreters working in the Forest Inventory program should be knowledgeable about forest classification procedures and be able to meet the provincial classification standards for photo interpretation.

All photo interpreters working in and contracted to the Inventory Program should have good stereo acuity and the relevant qualifications to meet the requirements for certification.

Who Will Be Certified?

Ministry employees occupying the following positions in the Inventory Program will either hold, or be working towards, a provincial certificate in photo interpretation:

- Reinventory Foresters (Branch)
- Technical Audit and Planning Foresters (Branch)
- Inventory Foresters (regions)
- Resource Officer Inventory, or equivalent (districts)

Private consultants, contractors, their employees and/or subcontractors working as photo interpreters in the Inventory Program will also hold a valid provincial certificate in photo interpretation.

After December 1992, quality control on all contracts involving photo interpretation will be signed off by certified Ministry staff. Also after this date, at least 50% of contracted forest classifiers working on each contract involving photo interpretation must be certified.

Certification

A photo interpretation certification exam is held periodically. The exam tests for knowledge of forest classification procedures and the ability to achieve provincial photo interpretation standards. The certificate is valid for five years.

Unsuccessful candidates must upgrade their skills and knowledge prior to reapplication to the certification committees.

A photo interpreter may be decertified if, in the opinion of the certification committee, the interpreter consistently fails to meet the forest classification standards defined in the *Inventory Manual*, Volume 2, Forest Classification. Decertification rulings may be appealed initially to the certification committee and finally to the Director of the Inventory Branch.

Recertification may be achieved by upgrading skills and knowledge and by passing the certification exam.

Responsibilities

The Director, Inventory Branch will develop and monitor forest classification standards, and implement and administer the photo interpretation policy.

District and Regional Managers will encourage and support individuals working in the Inventory Program to become certified photo interpreters. They will also ensure that people hired for and contracted to the Inventory Program have the relevant qualifications.

References

- *Inventory Manual*, Volume 2, Forest Classification
- *Inventory Manual*, Volume 4, Support Documentation, "Certification Policy Addendum for Photo Interpreters Working in the Forest Inventory Program."

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Ministry of Forests
POLICY MANUAL

Subject: Seed Orchards and Production Facilities
Branch: Tree Improvement Program
Signature: John Allan

No: **2.1**
Effective: 1-Mar-97
Updated: 14-Jul-98

Scope

This policy covers the process and standards for registering tree seed and vegetative materials derived from seed orchards and production facilities, and the licensing of those agencies which manage orchards and facilities. This policy also covers the transfer of genetic material to non-Ministry agencies.

This policy applies to all agencies that wish to register seed or vegetative lots, derived from seed orchard and production facilities, with the Ministry. This policy does not apply to collections from natural stands or plantations, unless the collection is established or amplified in a production facility.

Purpose

This policy is designed to ensure that genetic material derived from seed orchards and production facilities is appropriately produced and used for operational reforestation.

Definition: Production Facility

In this policy a **"production facility"** is defined as any facility which produces vegetative material to be used for propagation and reforestation.

Policy

It is the duty of the Ministry to register seed and vegetative lots, and review and accept applications for registration of seedlot and vegetative lots (*Tree Cone, Seed and Vegetative Material Regulation*, s. 3). The Chief Forester, or persons authorized by the Chief Forester, may licence processors and dealers of seed and vegetative material (*Tree Cone, Seed and Vegetative Material Regulation*, s. 4 and 5).

It is the policy of this Ministry that:

- all agencies which manage seed orchards and production facilities in B.C. which produce seed and/or vegetative material for registration be licenced with the Ministry

- all registered seed and vegetative lots produced by licensed agencies meet acceptable technical standards. These standards may include adaptability, genetic worth, genetic diversity, field performance, and others deemed necessary to protect and enhance the health and productivity of the forest resources.

It is also the policy of the Ministry that genetic material is transferred to non-Ministry agencies only through material transfer agreements (*Forest Practices Code of British Columbia Act*, s. 170(2)(a)).

Licensing

Licensing application procedures suitable for agencies managing seed orchard and vegetative material production facilities will be developed.

Agencies managing seed orchards and production facilities may be licensed. A Licence Review Committee will review applications for licensing, inspect seed orchards or production facilities, and assess the ability of the owner to meet the conditions of the licence and the technical standards for seed or vegetative lot registration. This committee will make recommendations to the

Chief Forester, or persons authorized by the Chief Forester, for licence suitability.

The licence will be renewable every five years. It may be canceled for significant failure to conform to the conditions of the licence, or for submitting information which is incorrect or purposely misleading.

Evaluations and Audits

A technical audit of each orchard may be conducted to assess compliance with the licence and technical registration standards. A non-Ministry member of the Technical Advisory Committee may assist with the audit of Ministry seed orchards and production facilities. Technical standards will be developed for this audit.

Registration

Requirements and procedures for registering seed and vegetative lots derived from seed orchards and production facilities will be established. Those lots which are produced by licenced agencies and meet the applicable technical standards will be certified for registration.

Those lots which do not meet one or more of the technical standards may be conditionally certified for registration.

Seed and vegetative material derived from orchards or production facilities outside of B.C. may be registered. Protocols for such will be established in consideration of the technical standards, the federal *Seeds Act* and *Plant Protection Act* and their regulations, and the rules and directives of the OECD *Scheme for the Control of Forest Reproductive Material Moving in International Trade* (Paris, 1974).

The registration requirements and procedures, including the technical standards and standards for conditional registration, will be published in a document entitled "Guide to Registering Seed and Vegetative Lots Derived from Seed Orchards and Production Facilities."

Technical Standards

Technical standards for seed and vegetative lot registration will be developed. These standards will address adaptation, genetic worth (an estimate of genetic gain for a specific trait), genetic diversity, and in the case of vegetative material derived from new technologies, field performance.

Adaptation
Technical standards for determining the geographic transfer limits for seed and vegetative material derived from seed orchards and production facilities will be developed.

Genetic Worth
Using protocols for determining genetic worth, as developed by Research Branch, technical standards for monitoring pollen contamination (where applicable), collecting data, and calculating genetic worth for seed and vegetative lots submitted for registration will be developed.

Seed orchard and production facility owners must make available upon request the data which were collected in accordance with the applicable standards and the methodology used to calculate the genetic worth for seed and vegetative lots submitted for registration.

Genetic Diversity
Technical standards for the genetic diversity required of seed or vegetative lots will be established.

Field Performance
Technical standards for vegetative material derived through new technologies will be developed to ensure field performance is consistent with, or better than, seedlings of comparable genetic background.

Conditional Registration

Standards for the conditional registration and limited deployment of lots which do not meet one or more of the above technical standards will be developed.

Transfer of Genetic Material between Agencies

Material transfer agreements will be established with non-Ministry parties prior to releasing any genetic material (including seed, seedlings, and cuttings) to be used for research purposes.

Conventions for assessing requests by non-Ministry parties and material transfer agreements will be established prior to releasing any genetic material (including seed, seedlings, and cuttings) to be used for production purposes, or for sale or transfer to third parties (*Forest Act*, s. 151 (2)(j), *Forest Practices Code of British Columbia Act*, s. 170(2)(a)).

Responsibilities

Chief Forester (these duties may be delegated to another person or other persons)

- licensing seed orchards and production facilities
- constituting Licence Review Committees
- conducting technical audits
- canceling licences
- resolving disputes

Leader, Tree Improvement Program

- developing licensing application procedures
- establishing requirements and procedures for lot registration, including conditional registration
- certifying or rejecting lots submitted for registration or conditional registration
- establishing conventions for assessing requests and transfer agreements for genetic material to be used for production, or for sale or transfer to third parties

Leader, Tree Improvement Program and **Director, Research Branch** (jointly)

- developing technical standards for audits and lot registration

Director, Research Branch

- providing timely estimates of breeding values of parents of clones for determining genetic worth
- developing material transfer agreements for genetic material to be used for research purposes

References

- *Forest Practices Code of British Columbia Act*, s.70(4)(c), 170(2)(a) & 210(2)(c)
- *Forest Act*, Part 12, s.151(2)(j) & (k)
- *Tree Cone, Seed and Vegetative Material Regulation*
- *Silviculture Practices Regulation*, s.8
- Ministry Policy Manual, Resource Management, 2.2, *Cone and Seed*
- *Seeds Act* (Federal)
- *Plant Protection Act* (Federal)
- OECD *Scheme for the Control of Forest Reproductive Material Moving in International Trade* (Paris, 1974).
- Tree Improvement Council of B.C.

Ministry of Forests
POLICY MANUAL

Subject: Cone and Seed
Branch: Tree Improvement Program
Signature: Philip G. Halkett, 23-Apr-93

No: **2.2**
Effective: 15-Aug-96
Updated: 15-Oct-97

Scope

This policy covers the collection, processing, registration, storage, preparation, and allocation of tree cones and seed. It applies both to the Ministry and to private agencies that wish to register tree seed with the Ministry (*Forest Practices Code of British Columbia Act*, s.70(4)(c), 210(2)(c)).

Policy

All seed must be registered and stored by the Ministry at the Tree Seed Centre before being used to reforest Crown land.

Cone and seed services will be made available to all agencies involved in basic silviculture.

Seed of a provenance adapted to the area shall be used to reforest Crown land.

Cone and Seed Services

There is no charge for cone and seed services on Ministry collections. Cone and seed services for private agencies will be offered on a fee basis, as per the current fee schedule. The Director, Silviculture Branch, is responsible for processing, testing, and registering seeds, and withdrawing seed from storage.

If negligent in providing cone and seed services, the Ministry will attempt to replace any lost or damaged cones or seed with an equivalent amount from another seedlot of comparable quality and type. If replacements are not available, or if the Ministry and the seed owner cannot agree on a suitable seedlot, the Ministry will pay a cash settlement at current seed prices. The seed owner is responsible for obtaining additional private insurance coverage, if desired.

Training materials on the provision of cone and seed services will be distributed by Regional Managers to forest districts and licensees. Regional Managers will also audit forest districts to ensure that legislated responsibilities pertaining to cone and seed services are fulfilled. District Managers are responsible for auditing licensees in the same manner.

Cone and Seed Collection

No one except employees or agents of the Crown may collect cones or seeds from Crown land unless a Cone Collection Permit has been obtained from the District Manager.

District Managers will carry out cone crop surveys, and plan, provide training for, organize, and implement cone collection programs within approved budgets. Cone collections must be planned and implemented to meet the needs of Woodlot licensees and all sub-programs (including SBFEP, the Small Business Forest Enterprise Program). Cooperative multi-agency collections, involving the Ministry when appropriate, will be encouraged.

The Director, Silviculture Branch, will inform Regional Managers of projected Crown seed production from seed orchards, so that natural stand collection requirements can be determined. The Director will also inform Regional Managers of superior provenance areas (geographical sources or places of origin of cones or seed).

Regional Managers will plan and coordinate cone collections and seed purchases for the Ministry program, and in consultation with the Silviculture Branch, will determine whether to purchase seed for species not naturally occurring in B.C. (introduced seed).

District Managers will review annually the current Crown seed inventory to determine seed needs and surpluses, and cone collection quotas and budgets. This information will be forwarded to the Regional Manager.

Cone and Seed Quality

Acceptable standards of quality for tree cones and seeds will be established by the Director, Silviculture Branch.

Seed from superior natural stands is preferred and should be collected, distributed, and planted whenever possible. Seed which comes from a stand of less than ten trees is not suitable for silviculture, unless otherwise approved by the Ministry.

Cones delivered to the Tree Seed Centre should not contain, by volume, more than five percent (or ten percent for western red cedar, western hemlock, and yellow cedar):

- empty cones
- old cones
- cones of other species
- cones badly infected with insects or disease
- other unacceptable non-cone material or debris

Seeds processed at a commercial facility should not have less than 97% purity or have a moisture content below 4.0% or in excess of 9.9%.

If the above standards for cones and seed are not met, the Tree Seed Centre may still accept the material if the additional effort required to bring it up to standards is considered reasonable. An additional fee may apply for this service. If, at the Ministry's sole discretion, unreasonable efforts are required, the Ministry has the right to refuse delivery of cones or seed.

Tree Seed Centre Processing

Processing involves extraction of seeds from cones, removing wings from seeds, cleaning and sorting, and culling empty and poor quality seeds.

Cones and seeds collected for the Ministry program, including the Ministry component of cooperative collections, must be processed at the Tree Seed Centre, unless approval has been granted by the Director, Silviculture Branch, to process them elsewhere.

Cones and seeds collected for the Licensee program may be processed at the Tree Seed Centre or at another commercial facility capable of processing them to the required quality standards, in preparation for storage at the Tree Seed Centre.

All cones processed at the Tree Seed Centre must be delivered in sacks which meet fabrication standards set by the Ministry. The Director, Silviculture Branch, will coordinate the acquisition of cone sacks for the Ministry program.

The Director, Silviculture Branch, will determine current Ministry costs of processing, testing, and storing seed, and the value of the end product.

Registration Requirements

Only seed that the Ministry deems suitable for basic silviculture will be eligible for registration and inclusion in the Tree Seed Register and Inventory System. Suitability will be determined by the District Manager in consultation with the Regional Manager and the Director, Silviculture Branch.

The Director, Silviculture Branch, will establish the information requirements for registration of both native and introduced seed, and will maintain and provide accurate and current seedlot information for the Tree Seed Register and Inventory System.

Cones and processed seed delivered to the Tree Seed Centre must be accompanied by a Cone Collection Report or Seed Orchard Cone Collection Report, correctly completed. This serves as the basis for registration. Alternatively, for processed seed, sufficient information must be supplied to complete either report.

Private agencies wishing to have cones or seed processed or registered at the Tree Seed Centre must submit a correctly completed Cone/Seed Services form.

Registration Guidelines

Species codes used for registration of seedlots must be consistent with the Ministry policy manual. However, codes for spruce seedlots collected within B.C. are limited to the following

- SS (Sitka spruce)
- SX (interior spruce)
- SB (black spruce)
- SE (Engelmann spruce)
- SXS (Sitka hybrid)
- SW (white spruce)

Seed from a cooperative, multi-agency collection may be registered as one seedlot against a single cooperative name, or as separate seedlots for each of the agencies involved. When one cooperative name is used, the agencies involved are responsible for administering any agreement for allocation of the seedlot.

Registered seedlots may be combined to create a single new registered seedlot, with the approval of the Regional Manager. The Director, Silviculture Branch, will establish criteria for combining registered seedlots.

Provincial Tree Seed Program

Owners of private land are encouraged to participate in the Provincial Tree Seed Registration Program.

The Director, Silviculture Branch, will coordinate and participate in joint industry/Ministry programs, committees, and workshops for the Provincial Tree Seed Program. Regional Managers will also participate in the Program.

Regional Managers are responsible for issuing Tree Seed Dealer's Licences. Regional and District Managers are responsible for distributing Tree Seed Register & Inventory System reports, and other requested forms.

Seed Storage

Seed that is not eligible for registration may be stored at the Tree Seed Centre at the Silviculture Branch Director's discretion, but with an unregistered status.

Allocation

Agencies with registered seedlots will be given first consideration when Crown seed is allocated for either Ministry or licensee programs. However, the Ministry reserves the right to allocate the seed to other agencies if their need is deemed to be greater.

The Director, Silviculture Branch, is responsible for allocating among the regions Crown seed from seed orchards. Regional Managers, in consultation with District Managers and licensees, will allocate the seed for use in the Ministry and licensee programs. District Managers must ensure that there is sufficient seed from an adapted provenance for each prescription.

Regional Managers, in consultation with the Tree Seed Centre, will direct the delivery of cones for the Ministry program.

Seed collected from natural stands or plantations prior to 1988 will be evenly allocated for use in both Ministry and licensee programs, even if local shortages exist. After 1993, licensees (except for woodlot licensees) will be responsible for acquiring their seed from sources other than the Crown seed collected prior to 1988. After 1993, woodlot licensees may either acquire their own seed or use Crown seed on a long-term basis.

Crown seed may be provided for research and public relations purposes.

To obtain seed for nursery sowing in both Ministry and licensee programs, agencies must submit a *Sowing Request* form (FS 332) to the District or Regional Manager. Regional Managers will coordinate sowing request submissions for the region. The Director, Silviculture Branch, will notify seed owners of all sowing requests made against their seedlots.

The Director, Silviculture Branch, will establish seed transfer guidelines, and revise them when necessary.

Cone and Seed Costs

Licensees are responsible for the costs of cones and seed acquired for the licensee program.

Crown seed allocated to licensees will be sold at prices set out in the current *Seed Price Schedule*. The Ministry may also trade seed with agencies on a mutually agreed basis. No seed will be loaned.

Seed Transfer

Whenever possible, only the seed of required and approved species of trees should be used for planting on Crown land.

The seed must be adapted to the geographical area and elevation where it is being planted. The Director, Research Branch, will establish the maximum geographic and elevation distances that seed can be moved from its point of natural origin without jeopardizing plantation productivity.

The Director, Research Branch, will also provide cone and seed research support, and information on the origin of superior provenances and recommended areas of seed use.

References

- *Forest Practices Code of British Columbia Act*, s.70(4)(c), 210(2)(c)
- *Forest Act*, Part 12, s.151(2)(k)
- *Seed Orchard Agreements*
- *Tree Cone, Seed, and Vegetative Material Regulation*
- *Silviculture Practices Regulation*, s.2

Ministry of Forests
POLICY MANUAL

Subject: Cooperative Forestry Corrections Program **No**: **2.3**
Branch: Silviculture Branch **Effective**: 01-Apr-93
Signature: Philip G. Halkett, 23-Apr-93

Scope

This policy describes the Cooperative Inmate Forestry Work Agreement between the Ministry of Forests and the Ministry of Attorney General.

Policy

The purpose of the Cooperative Inmate Forestry Work Agreement is to provide forestry-oriented work for inmates.

The work will mutually benefit the Province of B.C., the Ministry of Forests, the Ministry of Attorney General, and the inmates involved. The work should:

- contribute to the management of the province's forest resources
- help cover the costs of accommodating inmates in provincial correctional centres
- provide inmates with constructive work experience and allow them the opportunity to acquire work skills which are transferrable to the community

Types of Work

The types of work carried out under this agreement include:

- silviculture activities which increase the growth rate, quality, and value of the province's forest resources

- other forest management activities which contribute toward the province's objective of integrated management of the forest resource, including:

  - forest protection, fire prevention, and fire-fighting activities
  - road maintenance activities
  - production of lumber and other wood products for use by provincial government ministries
  - other related activities as described in local agreements

Cooperation of Ministries

The Ministry of Forests and the Ministry of Attorney General will cooperate to implement and operate the program. The Ministry of Forests will be responsible for:

- providing an annual plan which identifies work locations and standards for a variety of forest management activities

- monitoring the quality of work performed by the inmates to ensure that work standards and specifications are met

- providing supplies of salvage quality timber to the Corrections Branch (timber supply will come from existing cutblocks or blowdown areas, and does not exceed 3000 cubic metres annually)

The Ministry of Attorney General will choose suitable inmates and provide inmate transportation, supervision, and pay, as well as all necessary clothing, equipment and tools.

Together, the ministries will develop annual local agreements which describe and define local implementation plans. Also, they will ensure that projects are operated cost-effectively.

Sale and Use of Inmate Wood Products

Wood products produced by inmates will not be sold on the open market by any ministry or government agency, including the Corrections Branch. They will be paid for by the receiving party at prescribed rates determined by the local agreement.

The Corrections Branch may only use received wood products for:

- construction and maintenance of correctional facilities
- firewood supplies for correctional facilities
- community service projects, with approval of both ministries
- inmate hobby projects

Surplus materials or products may be donated to non-profit projects and organizations for public benefit upon approval of both ministries.

Funding and Revenue

Where appropriate, the Ministry of Forests may award direct contracts to the Corrections Branch for proposed work, and pay for work based on achieved goals.

Any revenue generated from the sale of inmate-produced wood products will be used to continue the operation of the Cooperative Forestry Inmate Work Agreement. If there is a surplus, the funds will be contributed to inmate housing costs.

Local Agreements

The ministries will prepare annual local agreements, which will describe and define:

- types of project work to be done
- number of inmates required
- hours and duration of time that inmates will work
- rates of pay of inmates (paid by Corrections Branch)
- if and how much Corrections Branch will be paid via direct contract for work performed
- local liaison staff from both ministries

- record keeping for use in annual evaluations and reports
- responsibility for equipment purchase and maintenance
- timber supply volumes for use by Corrections Branch

Provincial and local committees consisting of key staff from each ministry will meet annually or bi-annually to review and discuss issues relating to the main agreement, local agreements, and the status of local projects.

References

- Memorandum of Agreement between the Ministry of Forests and the Ministry of Attorney General

Ministry of Forests
POLICY MANUAL

Subject: White Pine
Branch: Silviculture Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **2.4**
Effective: 15-Aug-96
Updated: 14-Jul-98

Scope

This policy covers the conservation, management, and improvement of white pine.

Policy

Because of blister rust disease (caused by fungus), white pine is not on the list of preferred species for reforestation and silvicultural activities. However, white pine often has a superior growth rate compared to many other species, and some white pine trees are resistant to blister rust (*Forest Practices Code of British Columbia Act*, s.106).

Therefore, the Ministry's policy is to conserve and manage white pine as a commercial tree species, and improve its resistance to blister rust.

Improvement Methods

Genetic principles will be applied along with appropriate silvicultural practices to preserve or improve the quality and growth of both existing and future stands of white pine.

Treatment guidelines will be established for:

- white pine stand testing
- regeneration prescriptions and activities
- pest and disease management

Forestry Canada, the Silviculture and Research branches, and regional staff will cooperate to develop seed production areas to produce quality white pine seed. Silviculture Branch will act as a central registry for white pine seed inventory.

Participation

Participation in white pine improvement work by forest companies, Forestry Canada, universities, and other interested parties will be encouraged and promoted.

Cooperative programs will be coordinated through established councils and committees.

Research Branch Role

The Research Branch will assist with white pine improvement as follows:

- reviewing and providing direction for the provincial white pine improvement strategy
- reviewing all working plans for white pine planting trials
- acting as a central registry for white pine reproductive material contained in clone banks and other research plantations
- acting as a clearing house for the flow of information on genetic improvement of white pine
- assisting in developing and implementing a white pine seed production program

Improvement Implementation

Improvements will be implemented using the white pine tree improvement strategy as developed by Forestry Canada and the Tree Improvement Councils.

Regional Managers will develop and coordinate a management plan which recognizes white pine as a viable commercial species, and provide for its conservation and improvement. Reports and proposals from the districts which contribute positively to these plans will be approved. Regional Managers will also monitor district activities involving white pine management, and provide district staff with the necessary training and expertise.

District Managers will assist the region in identifying trees which exhibit resistance to blister rust and which may respond to treatment, or have value as genetic breeding material. The districts will propose and carry out all prescribed silvicultural treatments on white pine stands, including carrying out and monitoring white pine planting trials, and collecting cones from trees demonstrating high resistance to blister rust.

References

- *Forest Practices Code of British Columbia Act*, s.106
- *Operational Planning Regulation*, Part 6, Stand Management Prescriptions

Ministry of Forests
POLICY MANUAL

Subject: Silviculture Trials
Branch: Silviculture Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 2.5
Effective: 01-Apr-93

Scope

This policy covers the coordinating and documenting of silviculture trials.

Policy

Silviculture trials and field tests are short-term projects undertaken to solve operational problems, investigate new techniques, design new equipment, or test practical applications of new research findings. Trials must be coordinated and documented so that silviculture workers can use and benefit from the information.

Initiating Trials

The registry for all silviculture trials will be coordinated through the Silviculture Branch. Trials may be initiated at the branch, regional, or district levels, by the Branch Director, Regional Manager, or District Manager, respectively, and by licensees.

The Branch Director will provide and record silviculture trial identification numbers to the Regional Managers and maintain an updated record of information on each trial in the silviculture trials manual.

The Regional Manager will approve or reject proposals for silviculture trials received from licensees or districts. The District Manager will provide the Regional Manager with the necessary information, and request trial identification numbers. The Regional Manager obtains the numbers from the Branch Director and provides information on the new region or district trials.

Carrying Out Trials

After a silviculture trial has been approved, it must be carried out following all proper clearance procedures. The District Manager will monitor district silviculture trials and ensure the proper flow of information. The Regional Manager is responsible for region-initiated trials and will coordinate inter-district silviculture trial activities. The Branch Director is responsible for Branch-initiated trials, and will coordinate inter-region silviculture trial activities.

The Branch Director will make trial manuals and amendments available to all branches, regions, districts, and other agencies.

Non-Ministry Trials

A licensee may initiate silviculture trials. If these trials are to be eligible for funding, they must be approved by the District Manager.

Working plans, progress reports, and other information on approved non-Ministry trials will be submitted and recorded according to the Ministry silviculture trials procedures. Work will be completed on a contract basis.

Duplicate Trials

Where the same field trial is carried out or duplicated in two or more regions, each trial will be given the same number with a standard region code suffix representing the region where the trial is conducted, for example, K for Kamloops.

Each duplicate trial will be designed and analyzed in the same manner.

Trial Reporting

During trials, progress reports must be submitted, with a final report at the end of the trial.

The District Manager will submit the required progress and final reports of each trial to the Regional Manager within a reasonable time span. In turn, the Regional Manager will forward both Ministry and non-Ministry progress reports and final reports on trials to the Director, Silviculture Branch, within a reasonable time span.

The Branch Director will review final reports of silviculture trials and, in consultation with the initiator, will publish and distribute trial results within and outside the Ministry.

All silviculture experimental trials which are planned, underway, or completed during the year will be briefly summarized at the annual Regional Research Advisory Committee meeting. Trials do not have to be considered when establishing the priorities of the region's research program.

References

No applicable references.

Ministry of Forests
POLICY MANUAL

Subject: Silvicultural Systems
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 01-May-93

No: **2.6**
Effective: 01-Apr-93
Updated: 15-Oct-97

Scope

This policy covers the application of silvicultural systems on forest land under Crown jurisdiction. Silvicultural systems consist of management activities involving harvesting, regeneration, and stand management. Proper forest stewardship requires the consideration of all silvicultural systems in forest management.

Policy

Silvicultural systems must be based on sound silvicultural and integrated resource management principles which consider site-specific biological, economic, and social values.

All silvicultural systems will be considered for application when developing a pre-harvest silviculture prescription (PHSP). A prescribed silvicultural system must (*Forest Act*, s. 129.1&3; and *Silviculture Regulation*, s. 2):

- be ecologically sound
- be consistent with higher level plans (including the Fuel Management Plan)
- best meet site-specific overall resource management objectives for the area

Planning

Prior to approval of a PHSP, the District Manager will ensure that all silvicultural systems have been considered, and will approve only those PHSPs which have prescribed an appropriate silvicultural system.

A PHSP which prescribes uneven age management, must consider and provide for multiple cutting cycles or harvest entries so that an acceptable forest is sustained. Likewise, with even age partial cutting systems, the PHSP must consider planned future harvest entries.

The Regional Manager will ensure that all appropriate silvicultural systems are considered in timber supply area and tree farm licence plans.

When prescribing a silvicultural system with reserve trees, emphasis is to be on the quality and suitability of these trees for their silvicultural and ecological roles in the resulting stand (*Silviculture Regulation*, s. 7).

Technical Support

The Director, Silviculture Branch, will maintain a provincial program of technical information development which will support the implementation of appropriate silvicultural systems. This will be accomplished by combining the knowledge and practice of silvicultural systems from other branches, regions, districts, and agencies. The Director will assist Regional Managers in providing training, technical advice, and support as required.

The Director, Research Branch, will:

- provide technical advice and support to other branches, regions, districts, and agencies on silvicultural systems research projects as required
- coordinate provincial research initiatives ensuring they are conducted at a technically correct level
- develop managed stand yield tables for uneven aged stand management with the assistance of Inventory Branch and regional staff

The Director, Valuation Branch, will develop in conjunction with Silviculture, Timber, and Research Branches, cost data for alternative silvicultural systems for inclusion in the appraisal manual.

The Regional Manager will:

- carry out research and demonstration projects on silvicultural systems through the Forest Science Section and the Silviculture Section to meet regional priorities within the context of a provincial strategy
- plan, implement, and manage short and long-term research and development projects on silvicultural systems to ensure that they serve operational needs, are technically correct, and are in accordance with integrated resource use principles

Regional guidelines will provide additional direction for the prescribing and implementation of silvicultural systems.

Operations

Regional guidelines where available will provide direction for the prescribing and implementation of silvicultural systems.

The prescribing and implementation of appropriate silvicultural systems is the responsibility of the person who is required to carry out basic silviculture on an area. The Regional and District Manager will review the use of silvicultural systems through the basic silviculture auditing and monitoring process (*Silviculture Regulation*, s. 5, 6).

References

- *Forest Act*, s. 129.1, 129.3
- *Silviculture Regulation*, s. 2, 5, 6, 7
- *Silviculture Systems Program Strategy*
- *Correlated Guidelines for Management of Uneven-aged Drybelt Douglas-Fir*

Ministry of Forests
POLICY MANUAL

Subject: Forage Seeding of Recently Disturbed Land
Branch: Silviculture Practices, Forest Practices
Signature: Philip G. Halkett, 01-May-93
No: 2.7
Effective: 31-Jul-97

Scope

This policy covers forage seeding on recently disturbed Crown forest land.

Policy

Recently disturbed land in range use areas will be seeded to provide interim grazing for livestock, where required under an approved land use plan.

Forest and range resources may occur on the same land, thereby significantly affecting the usage and quality of both. Because of this, forage seeding, grazing, and reforestation practices must be integrated through resource planning processes, such as the Pre-Harvest Silviculture Prescription (PHSP).

Recently Disturbed Land

Recently disturbed land is any area of productive Crown forest land where significant forest cover removal has taken place in the last two years, either through logging, landing and road construction, or fire.

Development of Seeding Program

Forage seeding programs will be developed as an integral part of Resource Management plans, including (*Ministry of Forests Act*, s. 8):

- Forest Land Management Plans (FLMP)
- tree farm licence (TFL) plans
- forest licence (FL) plans
- grazing tenure management plans
- Coordinated Resource Management Plans
- local resource management plans
- Five Year Forest and Range Resource Programs

Regional and District Managers must ensure that input from other appropriate agencies is provided for in all forage seeding plans and programs at the regional or district level (*Range Act*, s. 3, 4, 5, 6).

District Managers will review forest and grazing licensee proposals to ensure that regeneration and forage requirements are met. District forage seeding programs will be planned, budgeted, funded, and implemented by the District Manager.

Planning and Coordination

The Director, Silviculture Branch, will coordinate and monitor the cooperative development of procedures and standards within the regions for forage seeding and grazing activities as they relate to forest regeneration practices on recently disturbed Crown land.

The Directors of involved branches, such as Range, Research, Integrated Resources, Inventory, Timber Harvesting, and Wildlife Branch (Ministry of Environment, Lands and Parks) will monitor:

- development of forest and range seeding procedures and standards within the regions
- promote planning processes at all levels, and provide for input from all involved agencies for the integration of forest land management practices
- provide economic, technical and scientific expertise as required

Forage seeding may also be undertaken where wildlife or silviculture benefit can be demonstrated; and may be done in cooperation with the Ministry of Environment, Lands and Parks, Wildlife Branch.

Regional Managers and District Managers will foster cooperation and communication with the forest and ranching industries to ensure effective integration of forest and range management practices.

Seeding Conditions

Opportunities for forage seeding may be appropriate in the following situations:

- there is a demonstrated need for additional or continuing forage supply, based on a documented forage inventory
- as a silvicultural tool, and as part of a vegetation management plan
- where forage seeding is prescribed as a problem-solving technique for wildlife or livestock distribution
- as a land management practice such as limiting encroachment of noxious weeds or preventing soil erosion

If forage or grazing livestock might affect wildlife, reforestation objectives, site productivity, or other resource values, seeding will only be done if satisfactory coordination and agreement can be achieved through the CRMP planning process.

Site Interpretations and Monitoring

Inspections and monitoring are critical to the success of forage seeding as an integrated land management program. Sites proposed in the PHSP or other documents will be inspected immediately after logging or fire to assess suitability and timing of seeding in relation to reforestation requirements.

After seeding, periodic assessments will be made of forage quality and quantity.

District Managers are responsible for administering, monitoring, and documenting all aspects of regeneration practices, such as harvesting and forage seeding, as well as cattle management operations. District Managers will take remedial action if approved standards and procedures are not followed.

Regional Managers will monitor and audit the effectiveness of seeding plans.

Seeding Practices

A site prescription or plan must be developed for all seeding projects. These prescriptions must include (*Silviculture Regulation*, s. 2):

- management objectives
- required site conditions
- forage species and variety
- application rates and timing
- prescribed forage utilization (type of animal, timing, duration)
- references to the appropriate grazing tenure management plan

Only Agriculture Canada Certified seed will be used. The rate and timing of seeding must be scheduled to minimize adverse effects on tree regeneration, grazing use, and a variety of other resource uses. All seeding operations on Crown land must be approved by the District Manager.

References

- *Ministry of Forests Act*, s.8
- *Range Act*, s.3, 4, 5, 6
- *Silviculture Regulation,* s.2

Ministry of Forests
POLICY MANUAL

Subject: Direct Seeding
Branch: Forest Practices
Signature: Gerry R. Armstrong

No: **2.10**
Effective: 15-Feb-97
Updated: 14-Jul-98

Scope

This policy covers the proposal and operation of direct seeding projects by both the Ministry and licensees on Crown land.

Policy

Only direct seeding under experimental conditions which will further knowledge of the practice is approved and promoted by the Ministry. The Ministry does not recognize direct seeding as a standard reforestation method.

Definition

"Direct seeding" is the distribution of tree seed directly onto forest land.

Direct Seeding Proposals

When licensees or districts wish to carry out a direct seeding project, a proposal must be submitted to the District Manager. The District Manager will review and recommend the proposal and forward it to the region.

Regional Managers will review and approve, or reject proposals for direct seeding received from District Managers and from the Regional Forest Sciences Section. The Regional Manager will amend proposals where necessary, or provide the reason for rejection.

Direct seeding proposals initiated at the branch level will be reviewed and approved by the Director, Forest Practices Branch.

Working Plan

Proposals for direct seeding projects must be accompanied by a working plan, which will be approved and registered in the *Silviculture Experimental Trial Catalogue*. The working plan must comprise (*Forest Practices Code of British Columbia Act*, s. 70):

- the purpose of the project
- a description of the site and other conditions
- seed to be used and treatment of it
- method and timing of seeding
- details and procedures for carrying out the seeding
- sampling procedures
- estimated cost
- responsibilities of persons involved in the trial

The Director, Forest Practices Branch, will provide the regions with copies of working plans for Branch initiated direct seeding trials.

Seeding Operations

Once the direct seeding project has been approved, the Director, Forest Practices Branch, will provide a trial identification number to the District Manager. The Branch Director maintains a record of seeding projects in the trial catalogue.

The District Manager will define the stratification or other treatment of seed, bait, or alternative food for approved district seeding projects, while the Director, Forest Practices Branch, will do so for branch seeding projects.

District Managers are also responsible for carrying out the seeding operation according to the approved project working plan, and monitoring licensee seeding operations to ensure compliance with the approved working plan.

Regional Managers will maintain records of seeding projects carried out in the region.

Seeding Reports

Interim reports and final reports of the direct seeding operation must be written by the licensee or district staff and sent to the District Manager for review, who will then forward the reports to the region. The Regional Manager will review and approve interim and final direct seeding reports and forward report copies to the branch.

The Director, Forest Practices Branch, will provide the regions with interim and final reports on branch initiated direct seeding trials.

Final results of direct seeding trials may be prepared for publication as required.

Seed Use

Only registered seed will be used in direct seeding projects on Crown land.

Seed proposed to be used for direct seeding trials must not jeopardize the planting program of a forest district or licensee in a particular seed planning zone.

Seed sales and withdrawals are initiated by the District Manager, who will also review licensee seed sales and withdrawals to ensure compliance with the working plan. The Manager, Seed Centre, Surrey, will receive and process these seed sales and withdrawals.

Pesticides

Pesticides that will be applied in association with direct seeding must be used for their intended purpose. Their application must be approved in advance by the Ministry of Environment, Lands and Parks, Pesticide Management Program Section.

District Managers are responsible for submitting to the Regional Administrator of Pesticide Use Permits, the necessary applications for approval to use pesticides, repellents, chemicals, or other toxic substances on the direct seeding operation (*Silviculture Practices Regulation*, Part 3, Division 2).

Research

The Director, Forest Practices Branch, will investigate new equipment or techniques for direct seeding and conduct or collaborate on experimental trials to evaluate them.

References

- *Forest Practices Code of British Columbia Act*, s.70
- *Pesticide Control Act*
- *Silviculture Practices Regulation*, Part 3, Division 2
- *Seed and Vegetative Material Guidebook*
- *Tree Cone, Seed and Vegetative Material Regulation*

Ministry of Forests ***POLICY MANUAL***	**Subject**: Commercial Thinning **Branch**: Forest Practices Branch **Signature**: Gerry R. Armstrong	**No**: 2.13 **Effective**: 16-Jan-95 **Updated:** 15-Oct-97	

Scope

This policy establishes Ministry guidelines and responsibilities for commercial thinning operations. This policy applies only to even-aged stand management using commercial thinning. It does not apply to uneven-aged management.

Policy

It is the policy of the Ministry that commercial thinning will be used to provide a proportion of the Provincial Allowable Annual Cut This will be done to allow flexibility in timber flow and improve environmental, economic, and social values. Commercial thinning should be considered in forest-level planning (Timber Supply Analysis and Land and Resource Management Plans) as a means of achieving strategic forest management objectives.

Commercial thinning may be used to achieve the strategic objectives listed below:

- maintain or enhance wildlife habitat or other important non-timber values
- provide local employment
- improve forest health
- increase stand value
- maintain, increase, or change timing of timber availability

Commercial thinning will be planned and implemented within the regions and will be included in regional five-year Forest & Range Resource Programs.

District Managers should pursue opportunities for commercial thinning when they will fulfill management unit strategic objectives and where there are current or projected markets for the thinned wood.

Levels of commercial thinning are anticipated to increase significantly due to current and predicted timber shortages. Within 10 years commercial thinning is anticipated to account for 10-15% of the B.C. annual harvest volume.

Definitions

Commercial thinning is applied under even-aged management as opposed to selection silvicultural systems which create or maintain uneven-aged stands.

Commercial thinning is a partial cut in stands where timber removed in thinning is sold. Commercial thinning provides an interim harvest, while maintaining or redistributing stand growth without reducing the potential of the residual stand.

Guidelines for Candidate Stands

Candidate stands should generally have the following characteristics:

- sufficient live crown on potential leave trees to allow a satisfactory response to thinning
- sufficient merchantable stems, and favourable harvesting conditions, which will give a positive or break-even financial return from thinning
- suitable height/diameter ratio to ensure stability of crop trees
- likelihood of improved economic, biological, and/or social value after thinning

Silviculture Prescription

A Silviculture Prescription (S.P.) is required for all commercial thinning operations. The SP will, as a minimum, contain details on residual stand conditions and stocking levels and maximum limits for site disturbance and stand damage. Residual stocking levels must reflect the specific management objectives for that site. The SP will specify a free growing assessment period during which a free growing survey must be completed and all SP obligations must be met.

Monitoring and Reporting

All commercial thinning operations will have a post-harvest assessment immediately after harvesting to determine final stand structure, species composition, soil disturbance, stand damage, and waste.

The date for a free-growing survey should normally be set for 2 years after commencement of commercial thinning, in order to allow assessment of the residual crop for such factors as blowdown and snow break. Stands deemed susceptible to such factors should be given a later date for a free-growing survey. The free-growing survey confirms that the SP obligations have been met and triggers generation of a new inventory forest cover label.

Thinning Standards

In cooperation with Silviculture Practices Branch, Regional Managers will develop regional guidelines for commercial thinning standards. Topics to be covered in these guidelines will include residual stand structure, worker safety, forest health, wildlife habitat, biodiversity, and salvage of mortality.

Tenures and Licences

Standard cutting permits and timber sale licences will be used to authorize commercial thinning. The cutting permit and timber sale licences must incorporate the standards.

For Small Business Forest Enterprise Program (SBFEP) commercial thinning operations:

> A Timber Sale Licence (TSL) should be advertised for competition under Section 20 of the Forest Act. If there are no applicants for a competitive sale or the District Manager believes direct awarding a TSL is warranted, the Ministry Policy on sales under Section 23 of the Forest Act (no advertising required) should be followed.

If no applications are received for an advertised Timber Sale, the District Manager must determine if the non-economic reasons for performing the commercial thinning are sufficient to warrant continuation of the project. If the project is still deemed necessary then:

> The District Manager may enter into a silviculture contract to perform the thinning. The Ministry retains ownership of the decked logs. These will be sold competitively.
>
> In limited cases where no applications are received for an advertised Timber Sale, the District Manager may direct-award a Timber Sale, under Section 23(1)(e) of the Forest Act, in conjunction with a silviculture contract. Normal competitive rules apply for the silviculture contract. This option should only be used in cases where:
>
> - the harvesting is necessary for other than timber extraction purposes—for example, maintenance of forest health
> - timber utilization must be encouraged
> - the risk of the contractor unduly removing crop trees is low
> - competition for the decked logs would be unlikely if they were sold separately

Multi-year timber sale licences within the SBFEP may be considered when necessary to encourage equipment purchase or development by the private sector for commercial thinning operations. Such licences would be sold on a competitive basis and must identify the area to be thinned and estimated volumes for the full term of the licence.

Cut Control

All wood harvested in accordance with Utilization Standards Policy and contract utilization specifications for a commercial thinning operation will be charged to the relevant licences allowable annual cut (AAC), or to the annual commitment in the SBFEP.

Stumpage and Costs

Stumpage rates will be determined according to the appraisal manual.

Penalties will be assessed for, but not limited to:

- excessive removal of trees during a commercial thinning operation
- excessive damage to residual trees
- excessive damage to the site

The regulation will specify the amount of the penalty.

Responsibilities

Director, Silviculture Practices Branch: [OPR]

- develop guidelines, procedures, and standards for commercial thinning and give guidance to the Ministry of Forests Executive on necessary amendments to the Silviculture Practices Regulation in relation to commercial thinning
- monitor and promote improvements in the types of equipment used and the techniques followed in commercial thinning
- ensure data is collected to evaluate the suitability of the standards
- develop training for commercial thinning
- monitor the application of guidelines, procedures, and standards within the context of this provincial policy

- with the Director, Research Branch, estimate the anticipated quantitative and qualitative effects of commercial thinning regimes

Chief Forester:

- consider the role of commercial thinning when determining the AAC for a Tree Farm Licence (TFL) or a Timber Supply Supply Area (TSA)

Director, Research Branch:

- carry out research to estimate the anticipated quantitative and qualitative effects of commercial thinning regimes on growth and yield, biodiversity, and wood value

Director, Resource Tenures and Engineering Branch:

- monitor the tenures and methods of awarding harvest rights used in commercial thinning operations and advise where changes are appropriate
- report the amount of commercial thinning occurring annually in the province in the Ministry of Forests Annual Report
- monitor the application of procedures and guidelines within the context of this provincial policy

Director, Revenue Branch:

- develop and maintain representative cost and market-value estimates for commercial thinning operations
- develop and maintain cruising methodology for commercial thinning operations
- develop and maintain appraisal procedures for commercial thinning

Director, Resources Inventory Branch:

- update the forest inventory based on new inventory forest cover labels prepared after commercial thinning treatments
- install growth and yield monitoring plots on operationally thinned areas

Regional Manager:

- monitor and inspect the Districts' commercial thinning programs
- develop and implement provincially consistent regional guidelines and procedures
- monitor licence-holder management plans to ensure commercial thinning potential is assessed
- monitor Land and Resource Management Plans to ensure commercial thinning potential is assessed
- implement training for commercial thinning

District Manager:

- only approve silviculture prescriptions which meet standards for commercial thinning

- ensure adequate monitoring and enforcement of standards for commercial thinning
- ensure staff is appropriately trained
- ensure that commercial thinning treatments as described in SPs will maintain or improve forest health and will not result in excessive damage to residual trees or to the site
- ensure that stumpage rates are known prior to tendering a silviculture contract for a commercial thinning operation
- monitor Licencee Development Plans to ensure commercial thinning potential is assessed
- set the utilization requirements for each commercial thinning cutting authority
- ensure the corporate database is updated

References

- *Forest Act*
- *Forest Practices Code of British Columbia Act*
- *Ministry of Forests Act*, s.8
- *Operational Planning Regulation*
- *Silviculture Practices Regulation*

Ministry of Forests
POLICY MANUAL

Subject: Vegetation Management
Branch: Forest Practices
Signature: Gerry R. Armstrong

No: **2.18**
Effective: 15-Feb-97

Scope

This policy is applicable to all vegetation management programs on Crown forest land, including Ministry and industry funded or administered activities (e.g., appraisal, industry outstanding, Ministry outstanding, and current areas; Small Business Forest Enterprise Program [SBFEP] and other provincial or federal funded programs). It covers the prescription, implementation, and monitoring of vegetation management activities.

Purpose

The purpose of this policy is to ensure that appropriate methods and techniques are used to manage forest vegetation on Crown land to achieve desired objectives.

Policy

It is the policy of the Ministry to:

- manage forest vegetation in order to meet the management objectives of the province as defined in an approved Silviculture Prescription, Treatment Prescription, and/or land use policy or plan. These objectives include achievement of free growing of new forests within specified time frames, recreation, forage, wildlife habitat, and forest road access.
- use vegetation management methods and techniques that are consistent with established objectives for soil conservation and other resource values
- consider vegetation management in the development of Silviculture Prescriptions and Treatment Prescriptions, and document the decision. Vegetation management must be integrated with other activities, including harvesting, site preparation, planting, brushing, and forest health. If it is likely that a free growing crop of trees will not be established because suitable and cost-effective vegetation management methods cannot be used, harvesting must be deferred.
- design vegetation management programs to prevent the establishment of excessive competing or problem vegetation by prescribing appropriate harvesting and reforestation techniques such as pre-harvest vegetation management activities, prompt site preparation, and planting with suitable seedlings and stock types
- approve Silviculture Prescriptions only if they include prompt and appropriate regeneration actions designed to prevent the establishment of excessive competing vegetation
- support the use of safe and approved vegetation management methods prescribed on a site-specific basis, including biological (e.g., livestock grazing), herbicide, mechanical, physical (e.g., manual cutting), and prescribed fire techniques

- seek and promote new methods and techniques for managing forest vegetation

- ensure that vegetation management decisions and prescription planning include evaluation of the impact on regeneration delay, consequences on harvesting in adjacent areas and timber supply, and impact on range and recreation resources. The evaluation should be done at the landscape or forest level as part of higher-level planning.

- choose and document the rationale for selecting the specific vegetation management method for a site. All treatment options (including no treatment) must be considered and evaluated before the treatment choice is made. Evaluation will be based on the effectiveness of available options for meeting prescription objectives, cost effectiveness, worker safety, impact on people, the environment, range and recreation resources. The full cost to achieve planned objectives (e.g., free growing status) for Ministry funded or administered projects must be within the limits set by the Ministry.

- conduct vegetation management research and operational trials, and monitor treatment effectiveness and impacts of vegetation management activities

- establish Vegetation Management Demonstration Areas to illustrate, for example, treatment or silvicultural effectiveness, treatment costs, and site impacts of vegetation management options

- ensure that all individuals responsible for conducting vegetation management activities, including prescription, supervision, and monitoring, are well trained

- develop and implement a Vegetation Management Strategy, including the use of brushing methods, cost effectiveness, safety concerns, opportunities for public consultation and review, consultation with First Nations, legal responsibilities, interaction with Ministry of Environment, Lands and Parks (MELP), protection of other resources, method of habitat assessment, economic responsibilities, and financial limitations

- ensure local communities are advised of vegetation management activities proposed in their area

- conduct and report vegetation management activities in accordance with federal and provincial laws and regulations

- fully support the actions of Ministry personnel in the legitimate performance of their duties. At the same time, Ministry staff are expected to exercise reasonable care in the conduct of management operations.

Responsibilities

Director, Forest Practices Branch

- to develop, monitor, and revise this policy in consultation with the appropriate branches, the regions, districts, and holders of major licences
- to develop and monitor vegetation management standards and guidelines pertaining to the Ministry of Forests
- to develop training materials and initiate or carry out training and extension for vegetation management to ensure effective implementation of this policy
- to develop methods and guidelines for estimating and evaluating the costs and benefits of vegetation management treatments in order to assist regions and districts in making vegetation management decisions
- to review and evaluate the costs and benefits of vegetation management treatments funded or administered by the Ministry to ensure that they are reasonable and consistent with guidelines
- to develop and implement forest and range vegetation management monitoring systems for use by the Ministry
- to develop and revise, in consultation with the regions and the Public Affairs Branch, a Ministry strategy for communicating vegetation management issues
- to communicate with regions, districts, and other branches and agencies on issues relating to forest and range vegetation management
- to provide ongoing support, including staff and budget allocation for Ministry vegetation management operational trials and extension, and to conduct trials, including investigation of new techniques for managing vegetation
- to assist the regions and districts in the preparation of appeals relating to vegetation management activities
- to develop guidelines for Forest Vegetation Management Demonstration Areas for use by the regions and districts for staff training and public education
- to meet regularly with the Ministry of Environment, Lands and Parks to discuss vegetation management activities and issues, including review and discussion of plans, procedures, guidelines, referral issues, and also plan, budget, and carry out vegetation management activities funded or administered by the two ministries
- to meet regularly with other resource agencies involved in vegetation management programs, including the forest industry, for development and implementation of vegetation management public communication strategy

- to provide guidelines regarding appropriate levels of forage production for use in the development of Silviculture Prescriptions and other plans
- to ensure range vegetation management prescriptions and activities are conducted
- to provide ongoing input into vegetation management research and extension directed towards forest range enhancement
- to participate in vegetation management trials and extension activities relating to forest range in conjunction with the appropriate branches, including Research Branch
- to communicate with the appropriate resource agencies to ensure the Ministry utilizes up-to-date vegetation management methods and knowledge pertaining to forest range
- to audit regions on vegetation management activities relating to forest range
- to audit regions to ensure compliance with this policy

Director, Research Branch

- to assist the Director of Forest Practices Branch in the development and delivery of training materials and courses on vegetation management
- to provide ongoing support, including staff and budget allocation for vegetation management research and extension directed towards operational needs of the Ministry
- to assist the Director of Forest Practices Branch in the development of vegetation management operational trial and monitoring systems, and in conducting operational trials
- to communicate with the other research agencies to ensure the Ministry utilizes up-to-date vegetation management methods and knowledge
- to communicate research results to Forest Practices Branch and regions

Director, Revenue Branch

- to ensure that silviculture cost appraisal estimates accurately reflect the predicted brushing cost for the silviculture regime

Regional Manager

- to develop or assist in the development and delivery of training materials on vegetation management
- to develop and implement regional guidelines and procedures to ensure consistent application within the context of this provincial policy

- to monitor and document crop tree response to operational treatments using Ministry-approved procedures
- to plan and conduct vegetation management trials in conjunction with the districts using Ministry-approved procedures and guidelines
- to establish, in cooperation with the districts, Forest Vegetation Management Demonstration Areas within the region using Ministry-approved guidelines
- for all Ministry funded or administered projects, to prepare in consultation with districts, cost-benefit analysis or business plans for establishing free growing stands according to provincial guidelines for each of the major areas or ecosystems within the region. This is to ensure that individual costs and the total cost estimates to reach free growing targets are reasonable. The cost-benefit analysis or business plan should include single-entry vegetation management costs and cost estimates for all activities (e.g., site preparation, planting, and brushing) required to establish a free growing stand.
- to ensure that any vegetation management strategy developed by the region or districts conforms to the overall Provincial Vegetation Management Strategy. Any policy or strategy developed within the region which impacts other regions must be reviewed with the Director, Forest Practices Branch.
- to regularly meet with representatives of Environment, Lands and Parks to discuss vegetation management activities and issues, including review and discussion of vegetation management strategies, plans, procedures, guidelines, and referral issues, and also plan and carry out activities funded by the two ministries
- to meet regularly with other resource agencies involved in vegetation management programs, including the forest industry, to discuss the development of vegetation management public communication strategy
- to audit district vegetation management activities, including the assessment of free growing stands

District Manager

For vegetation management activities on all Crown land, the District Manager will:

- ensure that the Ministry of Forests and the holders of major forest licences consider vegetation management in the development of Silviculture Prescriptions and Treatment Prescriptions, with the necessary referrals made to the appropriate agencies
- ensure that the Ministry of Forests and the holders of major forest licences report vegetation management activities appropriately as required by provincial laws or Ministry policy

- approve only the Silviculture Prescriptions which have prompt and appropriate early regeneration actions
- ensure that harvesting is deferred where appropriate vegetation management methods cannot be used to establish a free growing stand within the required time periods

For all Ministry funded or administered vegetation management activities on Crown land, the District Manager will:

- ensure that pre-treatment surveys for vegetation management are carried out by qualified personnel
- ensure that personnel involved with vegetation management prescriptions are aware of the current knowledge on efficacy, environmental impacts, safety, and cost effectiveness of the different vegetation management methods
- ensure that during vegetation management prescriptions all treatment options are considered, evaluated, and documented before a treatment choice is made. The selected option must be able to achieve clearly defined objectives in a cost-effective manner with no unreasonable impact on the environment.
- ensure that single-entry vegetation management treatment costs and cost estimates of vegetation management activities to free growing are reasonable and within the cost guidelines provided by the Regional Manager. A special case must be prepared for any costs beyond the approved limits for review by the Regional Manager.
- conduct operational vegetation management trials
- conduct public education and communication activities regarding vegetation management activities in consultation and coordination with other agencies directly involved in vegetation management programs, including the forest industry
- ensure that local communities are advised of vegetation management activities proposed in the district
- ensure that all proposed vegetation management activities are referred to affected agencies for comment prior to implementation
- advise the Regional Manager of any intention to develop local vegetation management policies or strategies so that their potential implications can be evaluated at the regional and provincial levels
- ensure that the consequences of vegetation management on timber supply are also considered and evaluated when developing a vegetation management strategy
- ensure that where equipment testing, calibration, and approval are required by Government or Ministry policy, only the equipment which satisfies the necessary requirements is used

- ensure that vegetation management activities are implemented using safe and appropriate tools in a timely, cost-effective manner to meet free growing objectives
- ensure that all individuals responsible for conducting or supervising any vegetation management projects are well trained and experienced in the use of the specific management technique being used
- monitor vegetation management activities to evaluate treatment success and ensure adherence to policies and procedures relating to silviculture, range, and recreation resources

References

- *Forest Practices Code of British Columbia Act*, s. 22, 25, 40, 41
- *Operational Planning Regulation*
- *Silviculture Practices Regulation*

Ministry of Forests
POLICY MANUAL

Subject: Silviculture Treatment and Reporting
Branch: Silviculture Branch
Signature: Gerry R. Armstrong
No: **2.19**
Effective: 01-Dec-94

Scope

This policy covers the reporting of Ministry funded silviculture activities carried out on forest lands that were harvested or naturally disturbed prior to October 1, 1987 that are stocked but not free growing.

Purpose

The Ministry will ensure that all planned and completed silviculture treatments on forest land are included in the approved 5 year silviculture plan. In addition, treatment prescriptions are to be completed for all planned silviculture treatments.

Definitions

For the purposes of this policy:

"5 year silviculture plan" means an operational plan as defined by the *Forest Practices Code of British Columbia Act, Operational Planning Regulation,* and *5 Year Silviculture Plan Guide Book*

"free growing stand" is as defined by the *Forest Practices Code of British Columbia Act*

"silviculture treatments" means any planned silviculture activities that do not require by statutes an approved Silviculture Prescription, Backlog Silviculture Prescription, or Stand Management Prescription. These activities may include, but are not limited to, brushing or maximum density spacing that may be carried out on forest land harvested or disturbed prior to October 1, 1987 that is stocked but not free growing.

"treatment prescription" means a prescription prepared in accordance with the *Silviculture Prescription Guide Book* or *Stand Management Prescription Guide Book*

"planned" means those planned silviculture activities commencing from the date of submission of the plan and are expected to be carried out over the next five-year period if the approval of the 5 year silviculture plan is obtained by the Regional or District Manager

"completed" means those silviculture activities completed in the year ending the preceding March 31

Policy

Silviculture Treatments on Pre Oct. 1, 1987 areas

The Ministry will ensure that:

- compliance with this policy is consistent with the transition provisions provided for in the *Forest Practices Code of British Columbia Act* for the 5 year silviculture plan
- prior to commencement of the proposed treatment, a treatment prescription is completed in accordance with the *Silviculture Prescription Guide Book* or *Stand Management Prescription Guide Book*
- prior to a silviculture treatment being conducted on an area harvested prior to October 1, 1987 that is stocked but not free growing, the type of treatment and the geographic location is described in the 5 year Silviculture Plan
- prior to the commencement of a silviculture treatment, the silviculture treatment has been approved within the 5 year silviculture plan
- if the silviculture treatments are planned to be carried out in the first two years of the 5 year silviculture plan, then the location of the proposed treatments is indicated on the plan map
- if a silviculture treatment was approved 3 years or more prior to a 5 year silviculture plan being in place but not carried out, the District Manager reviews the proposed treatment to ensure it meets current Ministry standards and policy requirements
- silviculture treatments completed in the previous year from the date of submission are reported in the 5 year silviculture plan and, as a minimum, describe the treatment type, location, map reference, hectares completed, and identification of the agency conducting the operation (licensee or Crown)
- all stands that were disturbed prior to October 1, 1987 that have not yet been declared free growing are assessed with the current Ministry standards at the time of the survey

Amendments

If the type or year of the silviculture treatment is amended, the 5 year silviculture plan must be amended prior to commencement of the silviculture treatment.

If the District Manager determines that a proposed amendment to the silviculture treatment scheduled within the 5 year silviculture plan materially or adversely affects the public, the District Manager will advertise the amended 5 year silviculture plan in accordance Section 4 of the *Operational Planning Regulation.*

Exemption

If a proposed silviculture treatment is for an area 1 hectare or less, the District Manager may exempt the area from the requirements of this policy.

The District Manager may exempt the licensee or the Crown from some or all of the requirements of a treatment prescription.

Records Management and Documentation

Documentation of the silviculture treatment must be retained on Silviculture Opening Files.

The corporate data base must be updated (ISIS) with planned or completed silviculture treatments.

If a silviculture treatment has been exempted from the requirements of this policy, then the reason for the exemption must be documented and kept on the appropriate opening file.

References

- *ORCS/ARCS* manuals
- *Forest Practices Code of British Columbia Act*
- *Operational Planning Regulation*
- *5 Year Silviculture Plan Field Guide*

Ministry of Forests
POLICY MANUAL

Subject: Silviculture Operational Plans Administration
Branch: Silviculture Branch
Signature: Gerry R. Armstrong

No: **2.20**
Effective: 05-Apr-95

Scope

This policy covers:

- the administration and the documentation of the approval, implementation, and amendment of silviculture prescriptions, backlog silviculture prescriptions, stand management prescriptions, and 5 year silviculture plans; and,
- the administration of exemptions from silviculture operational plans

Purpose

The Ministry will ensure that silviculture prescriptions, stand management prescriptions, 5 year silviculture plans, and exemptions from prescriptions are administered consistently within the Ministry's district offices while allowing for the flexibility required to meet the local needs of Ministry clients and the public.

Definitions

In this policy:

"Act" means the *Forest Practices Code of British Columbia Act*

"exemption" means an exemption from some or all of the requirements for silviculture prescriptions and stand management prescriptions under the Act and the Regulation

"silviculture operational plan" means a silviculture prescription, backlog silviculture prescription, stand management prescription, and 5 year silviculture plan required by the Act

"person" means a person required to prepare silviculture operational plans under the Act and the Regulation

"Opening File" means a file initiated by a district office when a silviculture operational plan has been prepared or received by the district office

"Regulation" means the *Operational Planning Regulation*

Policy

It is Ministry policy that :

Dating

- silviculture operational plans are dated at specific points during their life cycle, specifically at preparation, submission, approval, and amendment of the documents

Records Management and Corporate Database

- original approved copies of silviculture operational plans, amendments, and exemptions are stored under safe conditions, such as fireproof cabinets or secure off-site storage
- a copy of all approved silviculture operational plans, amendments, and other documentation regarding silviculture operational plans are kept on the relevant file (ORCS file, Tenure File, or Opening File, if one is created)
- the Ministry's corporate database is updated and maintained concurrent with the silviculture operational plan approval and amendment process
- when the cutting authority has expired, pertinent documents are duplicated and removed from Timber Harvesting Files and retained on Opening files or Timber Tenure files for Tree Farm Licences prior to sending files to semi-active storage or for final disposition

Monitoring

- the administration of silviculture operational plans and exemptions, and records management processes, are monitored to ensure compliance with this policy and Ministry procedures

Preliminary Review

- District Managers may accept draft 5 year silviculture plans for Ministry comment prior to the advertising period

Submission

- a review package containing the submitted silviculture operational plans, amendments, or exemption request, and other supporting documentation, is prepared and maintained for a formal review
- routing cards are attached to all review packages identifying all Ministry staff who are required to review the silviculture operational plan or exemption
- all silviculture operational plans, amendments, or exemption submissions from the licence holders are recorded in a district log for (1) date of receipt and (2) date of return of the approved or disapproved silviculture operational plan or exemption
- in consultation with licensees, District Managers may designate periods when silviculture operational plans, amendments, or exemptions will be reviewed by the Ministry

Review

- a formal review of all silviculture operational plans, amendments, or exemptions is conducted by the Ministry after submission, and the results of the review are documented
- the formal review includes a checklist assessing compliance with scope

and content requirements of the Act, Regulations, and standards, if any

- documentation of the formal review, including the assessment for compliance with scope and content requirements of the Act and Regulation, is retained on the appropriate file upon approval of the silviculture operational plan or exemption

Approval

- notification of approval or disapproval of silviculture operational plan amendments or exemption submissions is provided to the person in writing
- original approved silviculture operational plans, amendments, or exemptions are retained by the district office and one duplicate copy forwarded to the person with the approval notification
- original disapproved silviculture operational plans, amendments, or exemptions are returned to the person and the reason(s) for disapproval documented in the notification. A copy of the disapproved plan may be kept at the district office.

Silviculture Prescriptions and Logging Plans

- a silviculture prescription is in effect for an area prior to a logging plan being approved for a Major Licence, Woodlot Licence, or Timber Sale Licence (Major)
- approved silviculture prescriptions are assessed under sections 37 or 38 of the Act for any required amendments prior to a logging plan being approved

Amendments

- where a person applies for an amendment to an approved silviculture operational plan, the amendment procedure is administered in accordance with this policy and Ministry procedures
- where logging plans are amended, the appropriate silviculture operational plans are reviewed, and amended if required, prior to implementing the revised logging plans

Exemptions from Silviculture Operational Plans

- where the District Manager has exempted a person or the Crown from the requirement for a silviculture operational plan under sections 22, 30, 31, or 32 of the Act, the justification for the exemption is administered and documented in accordance with this policy and Ministry procedures

Responsibilities

Director, Silviculture Practices Branch:

- to participate in audits assessing compliance with this policy
- to develop and maintain silviculture operational plan and exemption administration checklists

Director, Resource Tenures and Engineering Branch:

- to participate in audits assessing compliance with this policy

Regional Manager:

- to monitor district compliance with this policy
- to provide training to regional and district staff respecting compliance with this policy

District Manager:

- to adopt appropriate district procedures for compliance with this policy

References

- *Forest Practices Code of British Columbia Act*
- *Operational Planning Regulation*
- *Silviculture Practices Regulation*
- *ARCS/ORCS* manuals

Ministry Procedures

Silviculture Operational Plan Submission and Approval Procedures

General

Silviculture operational plans referred to in these procedures include Major Licences, Woodlot Licences, and Timber Sale Licences unless specified otherwise.

Preliminary Review

Since review by the ministry of draft licensee 5 year silviculture plans is discretionary, an informal process may be agreed to between the licensee and district staff. The intent of a preliminary review is to address obvious concerns at an early stage to expedite the approval process.

Submission: General

It is recommended that submission of licensee silviculture operational plans should be concurrent with the submission of the Forest Development Plan. **Note that where a silviculture prescription is required, a logging plan cannot be approved without an approved silviculture prescription or exemption in place.**

To facilitate district workloads, the District Manager may notify each licensee annually when silviculture operational plans will be processed and advise them of the requirements for submission.

Submission: 5 Year Silviculture Plans

The submission package for all 5 year silviculture plans should, as a minimum, contain the following documents:

1. The dated, originally advertised plan, signed and sealed by a Registered Professional Forester and licensee representative where appropriate.
2. A copy of the advertisement in the local newspaper and the *British Columbia Gazette*, with the date clearly visible.
3. Copies of any input received from other agencies and the public, and any responses.
4. A summary of all revisions made to the plan as a result of input, and issues not addressed in the revisions.
5. A copy of the revised plan.
6. Any other pertinent information the District Manager may require for evaluation purposes.

Initiation of Processing

Once a silviculture operational plan or exemption is received by the district office, the date of receipt is recorded in a district log file and a routing card and legislation checklist is attached to the review package. It is important to track the amount of time spent at each processing stage in order to complete the review in a timely manner. The maximum amount of time to process a prescription/exemption should be no more than 60 working days.

Review documentation

Prior to District Manager approval, designated district staff should provide in the review package:

1. A summary of all review comments and a final recommendation to accept or reject the silviculture operational plan or exemption.
2. The completed route card and legislation/regulation checklist.
3. A summary of pertinent comments and recommendations made at referral meetings, if any.
4. Any other information the District Manager may require prior to approval.

Approval

Once the District Manager has approved the silviculture operational plan or exemption, a written notice must be sent to the person indicating the date of approval and a copy of the approved silviculture operational plan/exemption. The district log should be updated to indicate the status of the silviculture operational plan/exemption, and dated. The corporate databases must be updated (see *Information Management Procedures*).

If the District Manager is unavailable, a designate can approve the silviculture operational plan or exemption. An appointment letter must be available to evidence the designation.

Disapproval

Where a silviculture operational plan or exemption has been disapproved, the reasons for disapproval should be recorded in the log and dated. The submission package with the original silviculture operational plan or exemption should be returned to the person, together with a notification letter explaining the grounds for disapproval. The District Manager may request an amendment to the silviculture operational plan/exemption before re-submission to the district. A copy of the notification letter and disapproved silviculture operational plan will be retained on the Opening file or Cutting Permit file where they exist, or the Timber Tenures file. No other documentation is required.

Retention of Original

For major licensees, the original approved silviculture operational plan, copies of the advertising for 5 year silviculture plans, route cards, and legislation checklist will be kept in safe storage with copies retained on the appropriate Opening file, or on the Timber Tenure file for Tree Farm Licences.

For SBFEP silviculture operational plans the original will be kept in safe storage under the appropriate ORCS file number (i.e., 18760), with a copy retained on the Opening file and or the Timber Tenure file (refer to Information Management Procedures).

Silviculture Operational Plan Amendment Procedures

Plan Amendments

Silviculture operational plans shall be amended in one of two ways:

1. For silviculture prescriptions or stand management prescriptions, the amendments may be submitted on an FS 395 - SP Amendment Form if the clarity of the original prescription will not be adversely affected. The

amendment form shall be signed and sealed by a Registered Professional Forester, and signed by a representative of the licence holder.

2. For a 5-year silviculture plan, only that portion of the plan that requires amendment is required. A new silviculture operational plan may be submitted, which will replace the original upon approval. This is the preferred option where the District Manager feels that the clarity of the silviculture operational plan will be adversely affected if the amendment is submitted on an amendment form. A copy of the original silviculture operational plan will be retained on the opening file with a dated and initialed note completed by designated district staff that it has been superseded by a new silviculture operational plan.

Previous silviculture operational plans should be stamped "Replaced" on all pages once the amended plans are approved.

Advertising

Amended 5 year silviculture plans shall be advertised in accordance with section 39 of the Act unless the District Manager has determined that the amendment meets the requirements of section 43 of the Act. The requirements stated under the Submission section will apply.

Filing

All documentation of decisions regarding silviculture operational plan amendments shall be dated, with the original retained in safe storage, and a copy placed on the appropriate Opening file or Timber Tenure file for Tree Farm Licences.

Logging Plan Amendments

Approval of all amendments to logging plans will be conditional upon the approval of required amendments to the silviculture prescription(s).

Silviculture Operational Plan Exemption Procedures

Application for Exemption

Applications for relief from some or all of the requirements for a silviculture operational plan under sections 30, 31, or 32 of the Act shall be made in writing to the District Manager.

The application shall include justification for the exemption request.

Authority to Exempt

Where exemptions are granted, an exemption document must be prepared by district staff and shall specify the section and subsection of the Act authorizing the District Manager to grant the exemption.

Description of Area

An exemption shall not be processed unless a map indicating the location(s) of the exempted areas, and a written description sufficient to allow for the location of the area in the field with limited assistance, is attached to the exemption document.

Rationale for Exemption

The exemption document shall contain the rationale for the exemption or disapproval, supported by relevant data where appropriate, indicating that the District Manager exercised the authority while having regard for the purposes and functions of the ministry, as set out in section 4 of the *Ministry of Forests Act*.

Signatories

District Managers shall sign and date exemption or disapproval documents as evidence that they have exercised their discretion within the authority provided for by the Act.

Filing

Exemption or disapproval documentation shall be placed on the Timber Tenures file and ORCS file 18790-04 with an appropriate extension identifying the licence or type of exemption requested.

Information Management Procedures

Corporate Database

Updating of ISIS, MLSIS, & FTAS records shall occur within 30 days of prescription approval or receipt of MLSIS form submissions.

The district will conduct a records review semi-annually, comparing ISIS, MLSIS, and FTAS records against silviculture operational plan log book entries, shall occur semi-annually. Reconciliation of discrepancies shall be completed within one month of the records review.

Semi-active or Inactive Files

Copies of pertinent documents will be duplicated or removed from Timber Harvesting Files and retained on Silviculture Opening Files prior to sending files to semi-active storage or for final disposition. The following documents are recommended for retention: cutting permit document, initial harvest inspection and harvesting commencement date, final harvest report, documentation of planned and actual harvest area, report on any outstanding timber obligations that may affect commencement of silviculture activities (e.g., fire hazard abatement, etc.), and the final harvest map.

Ministry of Forests *POLICY MANUAL*	**Subject**: Backlog Management **Branch**: Forest Practices Branch **Signature**: Gerry R. Armstrong	**No**:	**2.22**
		Effective:	30-Apr-96
		Updated:	15-Oct-97

Scope

This policy is applicable to all backlog and impeded areas on Crown land. It covers both Ministry and industry outstanding funded activities, including site preparation, site rehabilitation, planting, silviculture surveys, brushing, and spacing.

While this policy must be considered in the development of a district's backlog management strategy, the relative priority assigned to the assessment and treatment of backlog and impeded areas will be established through the business plan process.

Purpose

The purpose of this policy is to:

- provide a framework for ranking the treatment of backlog and impeded areas while ensuring that current land use and other resource values are recognized
- ensure that backlog areas are:
    a) brought to free-growing status to achieve a free-growing or otherwise acceptable stand. It is recognized that certain areas will never reach the current free-growing standards under present economic or biological constraints, and that further investments cannot be justified or may not be appropriate.
    b) proclaimed satisfactorily restocked with no further treatments required; or,
    c) in the case of untreatable, not satisfactorily restocked (NSR) areas, the NSR label is replaced with an accurate inventory label where the NSR area is untreatable for social, economic, or environmental reasons, or the stocking is appropriate in view of the need to achieve non-timber resource objectives (e.g., fisheries, wildlife, range, or recreation)
- ensure that investments on impeded areas (pre-October 1, 1987 satisfactorily restocked) are maintained to achieve desired objectives and obligations

Definitions

For the purposes of this policy:

"backlog area" means an area

a) from which the timber was harvested, damaged, or destroyed before October 1, 1987; and,

b) that in the District Manager's opinion, is insufficiently stocked with healthy, well-spaced trees of a commercially acceptable species

"impeded area" means an area

a) from which the timber was harvested, damaged, or destroyed before October 1, 1987; and,

b) that in the District Manager's opinion, is satisfactorily restocked with healthy, well-spaced trees of a commercially acceptable species, but not free-growing

"not satisfactorily restocked (NSR)" means productive forest land that has been denuded and has not been regenerated to the desired stocking standards for the opening

"satisfactorily restocked (SR)" means productive forest land that has been denuded and has been regenerated to the desired stocking standards for the opening

"obligation" means those specific activities that the District Manager and the holder of a major licence or woodlot licence agree to conduct on backlog or impeded areas. The District Manager is responsible for backlog or impeded areas harvested under the Small Business Enterprise Program (SBEP).

"free-growing stand" means a stand of healthy trees of a commercially valuable species, the growth of which is not impeded by competition from plants, shrubs, or other trees

Policy

It is the policy of the Ministry to:

- review the current status of each backlog or impeded area to establish whether the area
  - a) requires further treatments, including surveys; or,
  - b) will not be further treated; or,
  - c) requires assessment for other resource values
- provide an accurate inventory label for those areas that will not be further treated
- rank backlog and impeded areas for treatments in general, based on the following ranking:
  1. impeded areas (SR—pre-October 1, 1987)
  2. backlog areas—January 1, 1982 to October 1, 1987
  3. backlog areas—pre-January 1, 1982
     - good and medium sites first
     - poor and low sites second

Refer to Appendix A for detailed ranking.

- consider all treatment options, including no treatment, before the treatment choice is made. Evaluation will be based on the effectiveness of available options for meeting prescription objectives, considering higher level plans, cost effectiveness, worker safety, impact on people, the environment, range, and recreation resources. The final choice must be documented.

- use methods and techniques for each activity that will maintain or enhance the natural productivity of forest sites
- prescribe a course of action for each site
- ensure silviculture activities required under obligations are accomplished in a timely manner
- regularly and consistently monitor progress and results
- review, on an annual basis, progress towards achieving obligations as originally agreed. Obligations may be revised, based on progress.
- inform licensees of their status with respect to their obligations on an annual basis
- conduct research and operational trials on the effectiveness and impacts of pre-October 1, 1987 management activities

Responsibilities

Director, Silviculture Practices Branch

- to develop, monitor, and revise this policy in consultation with the appropriate branches, the regions, districts, and holders of major licences
- to develop a backlog area status report and maintain statistics on an annual basis
- to develop backlog and impeded area management guidelines
- to develop methods for estimating and evaluating the costs and benefits of pre-October 1, 1987 management treatments in order to assist regions and districts in making management decisions
- to review and evaluate the costs and benefits of treatments, including the impact on timber supply
- to develop and implement monitoring systems for use by the Ministry
- to communicate with regions, districts, and other branches and agencies on issues relating to backlog and impeded area management
- to provide ongoing support, including staff and budget allocation for Ministry operational trials and extension, and to conduct trials, including investigation of new techniques
- to develop training materials and initiate or carry out training and extension to ensure effective implementation of this policy
- to audit regions and districts to ensure compliance with this policy

Director, Research Branch

- to assist the Director of Silviculture Practices Branch in the development and delivery of training materials and courses
- to provide ongoing support, including staff and budget allocation for research and extension directed towards operational needs of the Ministry
- to assist the Director of Silviculture Practices Branch in the development of operational trial and monitoring systems, and in conducting operational trials
- to communicate with the other research agencies to ensure the Ministry utilizes up-to-date methods and knowledge

- to communicate research results to Silviculture Practices Branch, regions, and districts

Regional Manager

- to develop and implement regional guidelines and procedures to ensure consistent application within the context of this provincial policy
- to monitor the progress of achieving the objectives of this policy
- to plan and conduct trials in conjunction with the districts using Ministry-approved procedures and guidelines
- to assist districts with the development of treatment options and prescriptions, including cost-benefit analysis according to provincial guidelines. The cost-benefit analysis should include cost estimates for all activities (e.g., site preparation, site rehabilitation, planting, surveys, brushing, and spacing).
- to monitor district activities associated with backlog and impeded area management

District Manager

- to establish the current status of each backlog and impeded area
- to advise licensees of their status with respect to their obligations on an annual basis
- in the absence of agreements on backlog area obligations, the District Manager must assign responsibilities to the Ministry or licensee on a block-by-block basis
- to ensure silviculture information systems are kept current
- to ensure silviculture activities on backlog and impeded areas are included in a Five-Year Silviculture Plan and the Five-Year Silviculture Program Update
- to prepare a backlog silviculture prescription for activities on a backlog area or a treatment prescription for activities on an impeded area prior to carrying out those activities
- to approve a backlog silviculture prescription for activities on a backlog area or a treatment prescription for activities on an impeded area before the holder of a major licence or woodlot licence carries out those activities
- to ensure that personnel involved with prescribing a course of action or preparing prescriptions are well qualified and experienced
- to ensure that all treatment activity options are considered and evaluated before a treatment choice is made, and to document the final choice
- to ensure that treatment costs of activities to achieve free growing are reasonable and within any cost guidelines provided by the Regional Manager
- to conduct trials on backlog and impeded areas
- to monitor activities to evaluate treatment success and ensure adherence to legislation, policies, and procedures relating to silviculture, range, and recreation resources
- to solicit input from the Ministry of Environment, Lands and Parks with regard to whether backlog and impeded areas require assessment for

other non-timber values

- to ensure that where required, the results of assessments of other resource values are considered in classifying, ranking , and prescribing the appropriate course of action for each site

References

- *Forest Practices Code of British Columbia Act*, s.1, 14, 23, 31, 233
- FPC Guidebook—*Silviculture Prescriptions*
- FPC Guidebooks—*Establishment to Free Growing*
- FPC Guidebook—*Five-Year Silviculture Plan*
- Ministry Policy Manual, Resource Management, 2.18, *Vegetation Management*
- Ministry Policy Manual, Resource Management, 2.19, *Silviculture Treatment and Reporting*
- 1994 Summary of Backlog Not Satisfactorily Restocked Forest Land

Appendix A

Treatment Priority Guidelines for Impeded & Backlog Areas

The following guidelines outline the recommended order of priority for treating impeded and backlog areas. Deviation from this ranking may be required to appropriately address higher level plans or local social, environmental, or economic considerations.

1. **Impeded areas (SR—pre-October 1, 1987)**

Conduct surveys, brushing, or spacing treatments to ensure area remains SR and achieves desired objectives and obligations.

Note: In some cases, spacing of overstocked stands may be a lower priority than treating NSR areas.

2. **Backlog areas—January 1, 1982 to September 30, 1987**

Conduct appropriate surveys (if not already done) to establish baseline information upon which to prioritize areas for treatment, considering:

• other resource values	• high values for wildlife, recreation, water, environmental quality, or resource conservation; should existing stocking be accepted? i.e.: is treatment acceptable/desirable? is existing stocking level justifiable?
• site class	• good, medium, poor, low
• location	• high visibility to public versus small isolated remote locations • proximity to manufacturing facilities
• stand condition	• damaging agents • competitors • total stems • dominance
• growth limiting factors	• light, moisture, nutrients
• ground conditions	• as it relates to worker or machine access (topography, slash, windfall, brush, residuals, snags)
• travel distance	
• access	• good 2 WD to non existent
• project size	• large to very small
• history	• type of denudation • logging • fire and pest • **Note:** Other things being equal, logging should be given higher priority than natural disturbances.
• amount of previous silviculture investment	• protection of previous expenditures • time to quit • response to previous treatment(s)
• risk	• fire • pest • cattle / wildlife • loss to other land uses

• timber supply effect	• will timber supply be enhanced by addressing the backlog relative to other treatments
• cost	• relative to anticipated success

3. Backlog areas—pre-January 1, 1982

i Identify good and medium sites first, then poor and low sites, which **do not** include:

- inoperable areas that are untreatable due to inaccessible or uneconomical conditions
- areas logged by a partial-cut silviculture system designed to regenerate naturally
- NSR areas with an average tree age < 12 years and stocking levels greater than or equal to current well spaced minimum stocking standards (MSS) as per *FPC Establishment to Free Growing Guidebooks*
- NSR areas with an average tree age greater than or equal to 12 years and stocking levels greater than or equal to 60% of current MSS as per *FPC Act—Establishment to Free Growing Guidebooks*

ii Confirm that indicated site productivity is correct.

iii Conduct appropriate surveys (if not already done) to establish baseline information upon which to prioritize areas for treatment, considering: all items mentioned in 2.

Ministry of Forests
POLICY MANUAL

Subject: Seedling Supply and Distribution
Branch: Nursery and Seed Operations
Signature: John Allan

No: 2.23
Effective: 15-July-96

Scope

This policy covers the supply of seedlings from Ministry, commercial, licensee, and educational nurseries and the distribution of these seedlings for Crown-funded reforestation, research, and forest promotion purposes.

Policy

Seedlings must be supplied and distributed to fulfil basic silviculture requirements for Crown land. The Ministry must ensure an adequate and reliable supply of seedlings to meet distribution demands for:

- the Small Business Forest Enterprise Program (SBFEP)
- Crown funded and approved reforestation programs on Crown land
- replacement of timber destroyed by fire, disease, or pests
- education and research programs
- holders of agriculture leases, for planting on non-arable land
- landscape and recreational site improvement on Crown land
- the Ministry of Environment, Lands and Parks, for wildlife and fishery habitat improvement
- other government agencies, for planting on Crown land
- Ministry approved public programs for the promotion of B.C. forests
- private agencies or individuals, for the enhancement of the environment

The responsibility can best be achieved by:

- the continuing production from public and private nurseries
- providing proactive, centrally coordinated nursery services; and,
- encouraging innovation and efficiency in nursery practices

Ministry Nurseries

Seedling demand will be filled by supply from Ministry nurseries up to their maximum capacity (currently approximately 25 million seedlings annually).

Ministry nurseries, in meeting this demand, will:

- be cost effective
- provide leadership and innovation in nursery production
- provide public awareness of nursery and reforestation efforts

Private Nurseries

Seedling requirements in excess of Ministry nursery capacity will be supplied by private nurseries.

Commercial Nurseries

Tenders will be prepared by the Director, Nursery and Seed Operations Branch.

Contracts for seedling production to commercial nurseries will be awarded using a competitive bid system, select tender, or direct awards.

Competitive bids may be adjusted by the Ministry to reflect transportation costs. In addition to price, consideration is also given to other essential factors, such as the bidder's location, financial ability, demonstrated competence, and experience. The lowest or any bid price will not necessarily be accepted.

The Director, Nursery and Seed Operations, will appoint a Nursery Contract Review Board and Chair to review and analyze submitted tender bids and proposals and recommend awards. Contracts with commercial nurseries must be approved by the Director, Nursery and Seed Operations.

The number of contracts or seedling volume held by one contractor at one time may be limited.

New nurseries bidding under competitive tender will be limited to an initial capacity up to a maximum of one million seedlings until competence has been demonstrated. The Nursery Contract Review Board will assess the economic and biological viability of new commercial nurseries. Regional and other Branch staff will be consulted as required.

The Ministry will maintain a Nursery Competency Rating for all nurseries that have supplied seedlings for the Ministry. The Nursery Competency Rating will be used in contract awards.

Select Tender or Direct Award contracts with specific nurseries will be limited to situations where there is not enough time for tendering, where contract requirements call for a level of specialization not generally available from all nurseries, or when specific biological concerns or limitations exist.

Licensee Nurseries
For their own licence, licensee nurseries may continue to grow Ministry-funded industry-outstanding seedlings at the weighted average commercial equivalent price. The weighted average commercial equivalent price is calculated by dividing the total value of all current contracts for that species by the total number of seedlings of the species contracted for planting.

Licensee nurseries may bid on Ministry seedling tenders, in which case they will be evaluated as a commercial nursery utilizing the Nursery Competency Rating system.

Educational Nurseries
Contracts for seedling production are awarded to educational institutions to further technological and biological development and to teach silviculture and forest nursery practices to the students. These contracts are negotiated at weighted average commercial equivalent prices for the species and stock types concerned, without competitive bidding. Seedlings grown for free seedling distribution will be used first to fulfil education contracts.

The educational institution will be required to submit an annual report outlining the use of the award as an educational and research tool. This report must be submitted by the end of the calendar year.

Seedling Purchases and Sales

The Ministry may purchase or sell seedlings, where necessary, to allow seedlings to be planted on the best available sites and to minimize the destruction of seedlings. The District Manager will approve all purchases and sales of seedlings within the district program, subject to budget constraints as determined by the Nursery and Seed Operations Branch.

The price for purchase or sale of seedlings will be weighted average commercial equivalent price, plus seed, transportation, and storage charges.

SBFEP Reforestation Programs

SBFEP reforestation programs will be supplied with seedlings by both

Ministry and/or private nurseries. Seedlings will be charged to the SBFEP account at weighted average commercial equivalent rates, plus seed, transportation, and cold storage charges, as determined by the Director, Nursery and Seed Operations Branch.

Free Seedling Distribution

The Ministry will distribute, upon request, seed and seedlings to the public free of charge to promote British Columbia forests. Distribution is done with recognition of the Ministry of Forests as the supplier. Free seedlings and seed must not be sold, traded, or disposed of by the recipient for private gain. Seedling availability and amounts are controlled by the Director, Nursery and Seed Operations Branch.

Inventory Control

The Director, Nursery and Seed Operations Branch, and District Managers will maintain records for all seedlings for distribution within their areas of responsibilities.

The Director, Nursery and Seed Operations Branch, will inform all concerned personnel of inventory status and anticipated overruns and underruns.

Seedling requests, sowing schedules, inventories, and allocation and distribution of seedlings and surplus seedlings will be coordinated and managed by the Director, Nursery and Seed Operations Branch, in consultation with Regional Managers, District Managers, and nursery personnel. All Ministry funded seedling requests will be approved by the District or Regional Managers.

Surplus Seedlings

Surplus seedlings are seedlings which cannot be used in any approved reforestation program due to overruns, harvest or treatment schedule changes, refusal by the user, or inferior quality.

User agencies will advise the Regional Manager if any seedlings of plantable quality grown for the agency are not required or not wanted at the time of distribution, and an alternate use cannot be found for them. Unwanted Crown funded seedlings of plantable quality will be released to the Ministry by user agencies for an alternative reforestation program.

Surplus seedlings will be reallocated, distributed, or sold to other programs or users whenever possible. They may also be offered for public sale at weighted average commercial equivalent rates.

Healthy seedlings which cannot be used or sold may be transplanted or held in their present location for distribution in the next season if biologically feasible and approved by the Director, Nursery and Seed Operations Branch.

Reallocation of Surplus Seedlings

Surplus seedlings may be considered for reallocation to alternative reforestation programs where there is a shortage or a greater need than anticipated.

Reallocation will be carried out as follows:
- within Ministry programs by funding source
- within Ministry programs across funding sources, through the seedling purchase process
- outside Ministry programs through the seedling purchase/sale process

Requests for surplus seedlings will be referred to and handled by the Regional or District manager, who will determine availability of surplus seedlings and approve their distribution or sale. The Regional or District

Manager, with the assistance of the Nursery Service Officer, will coordinate the reallocations, trades, and exchanges between projects and user agencies of seedlings designated for the approved regional reforestation program.

Free Distribution of Surplus Seedlings

If surplus seedlings cannot be reallocated through the purchase/sale process, they may be distributed on request, free of charge, and for bona fide reasons, to:

- other provincial government ministries and Crown agencies
- municipalities and regional districts within B.C.
- universities, colleges, and schools within B.C.
- Christmas tree producers on provincial Crown lands
- community service groups for public relations purposes, or related public projects within B.C. (Nursery Managers, Regional and District Managers, and Nursery Service Officers may distribute seedlings for this purpose)

Free distribution of seedlings must not result in unfair competition with private nurseries.

Sale of Surplus Seedlings

Surplus seedlings may be offered for sale at weighted average commercial equivalent prices plus seed, transportation, and storage charges to:

- owners of private forest land in B.C.
- other private nurseries
- the general public

The Director, Nursery and Seed Operations Branch, is responsible for the billing, receipt of payments, and processing of accounts for sale of surplus seedlings. The District Manager is responsible for issuing seedling sale contracts for surplus seedlings.

Disposal of Seedlings

Ministry officers designated by the Director, Nursery and Seed Operations Branch, will determine whether or not to dispose of seedlings based on their biological or pathological condition.

All seedlings and surplus seedlings which are declared unfit for planting or other use will be disposed of with written authorization of the designated officer of the Nursery and Seed Operations Branch. The district will keep the region and branch staff informed of surplus seedlings to increase the opportunities for surplus seedling reallocation or sale. All surplus seedlings which are declared fit for planting, but cannot be reallocated, distributed, or sold may, as a last resort, be disposed of with the written authorization of the Regional Manager.

References

- *Forest Practices Code of British Columbia Act*
- *Forest Act*

Ministry of Forests
POLICY MANUAL

Subject: Stand Density Management
Branch: Forest Practices Branch
Signature: John Allan

No: **2.24**
Effective: 15-Feb-99

Scope

This policy applies to crown land and applies to development and implementation of stand density management activities that are required by law.

Authority

The *Silviculture Practices Regulation* (SPR) section 13 (6), provides the Chief Forester with authority to establish, vary, or cancel policies and guidelines respecting stand density management, including matters relating to the maximum density of trees that may be present on an area under a Silviculture Prescription before a spacing treatment must be carried out.

For the purposes of SPR section 13, this document is the Chief Forester's policy for stand density management. For the purposes of SPR section 13, the *Guidelines for Developing Stand Density Management Regimes (Guidelines)* is the Chief Forester's guideline respecting the development of stand density management regimes. Unless otherwise developed following this policy and the *Guidelines*, the maximum density of coniferous trees is 10 000 stems per hectare (sph). SPR Section 13 allows a Regional Manager (RM) to establish a maximum density of coniferous trees for different parts of a forest region or district in accordance with this policy and the *Guidelines*.

Policy

The purpose of this policy is to ensure the careful evaluation, planning, and implementation of stand density management activities to achieve desired stand, landscape, and forest level objectives. This policy is intended to:

- provide direction to practitioners using the *Guidelines for Developing Stand Density Management Regimes*; and
- provide the basic provincial stewardship principles and assumptions needed to ensure public interests are considered in the development of stand density management regimes and maximum density numbers

Definitions

Density Management Regime—one or more silviculture interventions to achieve specific stand densities and/or conditions at specific time periods and locations to achieve desired stand, landscape, and/or forest management objectives.

Target stocking standard—is the target number of healthy, well-spaced trees of the preferred and acceptable species per hectare. This is the target number of well-spaced trees at the free growing stage that will produce the target future stand condition(s).

Minimum stocking standard—is the minimum number of healthy, well-spaced trees of preferred and acceptable species per hectare. This is the minimum number of well-spaced trees needed at the free growing stage to produce the minimum acceptable future stand condition(s).

Maximum density—the maximum number of coniferous trees allowed per hectare in a free growing stand. This number is specified in countable trees per hectare. Without density control, areas exceeding the specified maximum density number are not expected to produce the acceptable stand conditions within desired time periods. Only those portions (i.e., a forest cover or survey strata) of a standards unit area within a Silviculture Prescription (SP) that exceed this number must be spaced.

Maximum density is not to be equated with a repression density or stand densities that result in reduced site index.

Countable trees—are trees that meet specific height criteria or characteristics, and are tallied in a silviculture survey to determine stand density and maximum density obligations.

How to use the Guidelines for Developing Stand Density Management Regimes

The *Guidelines* provide information on biological, economic, and forest level considerations for stand density management. It also provides a general planning framework for developing and analyzing stand density management regimes and considerations for implementing spacing operations. The following information is intended to help guide the development of stand density management regimes and implementation of the *Guidelines*:

Who should be involved?—regional, district, licensee foresters, Ministry of Environment, Lands and Parks (MoELP), and other agencies or groups deemed appropriate by the RM. The RM may require density management regimes to be reviewed with other agencies or groups.

Who does the analysis?—may be done by region, district, or licensee staff, but must be consistent with this policy. The analysis must be done in consultation with district and regional staff.

How to do the analysis—The most desirable approach for the development of new density management regimes is to carry out full stand and forest level evaluation and analysis of different stand density management regimes. Where possible, the development of stand density management regimes should be integrated with other analyses currently underway (e.g., analyses for Innovative Forest Practices Agreements, Enhanced Forest Management Pilot Projects, Timber Supply Review 2, Forest Level Incremental Silviculture analyses, etc.).

In some cases staff time and funding may be limited and preclude a full scale analysis. Regions, districts, and licensees may develop new numbers (best estimates of density management regimes that are appropriate for different areas and conditions) by setting up a series of meetings with appropriate subject matter experts and operational staff.

The RM is the statutory decision maker responsible for the specification of any new maximum density numbers and should therefore approve which approach is taken and the assumptions to be used in the development of new numbers.

When to start—new stand density management regimes for use in Resource Management Plans and Stand Management Prescriptions, can be developed using the *Guidelines* and this policy beginning April 1, 1999. The RM should approve the commencement of any initiatives aimed at developing new maximum density numbers.

What should be produced—a series of density management regimes and maximum density numbers that are applied on a regional, district, geographic, or licensee-specific area. Maximum density numbers should preferably be based on a management unit basis (i.e., TSA/TFL). However, they may be developed on a management zone, ecosystem, or diversified portfolio basis.

Minimum Provincial Stewardship Requirements

The following forest management issues should be incorporated in the development of stand density management regimes:

forest production objectives—high value forest products is the objective unless otherwise specifically identified in existing Woodlot management plans, TFL management plans, or TSA objectives

consideration of existing stocking standards—new stand density regimes should be developed with consideration of the forest or product objectives that are embodied in existing minimum and target stocking standards

existing higher level plans—stand density regimes that are identified in higher level plans (i.e., Land and Resource Management Plans or Landscape Unit Plans) must be considered in any analysis

options and risks—stand density regimes should be developed that maintain options and minimize risks for future generations. Stand density regimes should ensure options are maintained for future harvest ages, species mixes, and forest values.

target stocking standard—unless the District Manager (DM) approves otherwise, the target stocking standard should be set at the density of trees at the free growing time period that will achieve the target stand conditions at the specified harvest age

minimum stocking standard—unless the DM approves otherwise, minimum stocking standards should be set at a density of trees that considers the entire silviculture regime, including any intermediate interventions, and does not result in significant merchantable volume reductions compared to a stand at the target stocking standard

maximum density or upper density limit—should be developed with consideration of the desired target and minimum stocking standards and consistent with analyses done using this policy and the *Guidelines*

How to deal with density management practices on special areas

There may be areas within a management unit that require analysis, evaluation, and selection of stand density management regimes that is different than the stand and forest level process outlined in the *Guidelines*.

Wildlife habitat—use appropriate wildlife habitat guidance (e.g., guidelines for managing Goshawk, Woodpecker, Mule deer, Caribou, Elk, Grizzly Bear) to develop density management regimes. Any areas that are identified as wildlife habitat areas or Special Management Zones may need to be separately evaluated to select a stand density management regime that adequately maintains or produces desired wildlife habitat conditions.

Forage production areas—District Range and MoELP staff should determine any specific density management objectives relating to forage production for livestock and wildlife. Where there are specific goals for livestock Animal Unit Months (AUM) levels and natural wild ungulate levels, density management regimes should be designed to maintain those levels.

Understorey biodiversity values—for identified wildlife habitat areas, or areas with general wildlife measures, density management regimes may be designed to produce or maintain the desired biodiversity or habitat conditions

Special ecosystems (e.g., Cedar—Hemlock Salal)—there may be specific ecosystems that cannot be adequately evaluated or modelled due to limitations in existing growth and yield information. In these cases, density management regimes should be developed using best available information and discussion with subject matter experts.

Partial cutting—for partial cutting in mixed species and all-aged stands, density management regimes should be developed using best available information and discussion with subject matter experts

Forest Health—there may be specific forest health conditions that cannot be adequately evaluated using existing growth and yield decision aids. In these cases, density management regimes and practices should be developed using best available information and discussion with subject matter experts.

Landscape level forest succession—there may be opportunities to use stand density management to achieve old-growth stand structure objectives. Where there are succession imbalances or limitations in the management unit, density management regimes may be developed that contribute to landscape level objectives.

Minimum Forest and Stand Modelling Assumptions and Requirements

The following are minimum forest and stand modelling assumptions and requirements that should be included in the development of stand density management regimes:

- utilization standards—unless otherwise approved by the RM, use assumptions consistent with the current or last approved Timber Supply Review (TSR)
- ensure that the key Forest Practice Code requirements (i.e., green-up, riparian management zone requirements, landscape unit objectives) are considered
- use appropriate stand and forest level models
- ensure key assumptions included in the analysis consider the current or recently approved TSR
- where there is a need to make significant variances from the current or last approved TSR, new assumptions need to be reviewed with and approved by the RM
- consider the need for any intermediate interventions (i.e., commercial thinning) in the design of stand density management regimes
- yield curves used to represent an analysis unit in a forest level analysis (unique combination of species, site class, and density management regime) must be realistic and adequately represent site conditions and the intended management objectives and practices and basic silviculture obligation levels
- The evaluation and determination of a stand density regime will result in the identification of stand densities that are desired at various time periods during the development of a stand. Consideration must be given to the types of operable stand conditions (such as piece size distribution, merchantable volume) that are needed to ensure a stand can be economically harvested. The evaluation should result in the identification of appropriate density management standards that ensure stand, landscape, and/or forest objectives can be achieved.

Using the New Stand Density Management Regimes

Once new stand density regimes have been developed, they should be the basis for the maximum density numbers that are included in new SPs.

Key points in the specification of a maximum density number:

1. The default maximum density number to be included in Silviculture Prescriptions is 10,000 sph unless new numbers have been developed following the Silviculture Practices Regulation Section 13, the *guidelines*, and this policy.
2. Any new maximum density numbers should be developed with consideration of stand, landscape, and forest issues and objectives. They should be aimed at improving or maintaining an economically viable timber supply.
3. Specific stand densities may be required to achieve wildlife objectives identified in a higher level plan, a TFL management plan, or the *Managing Identified Wildlife: Procedures and Measures Guidebook*. In select areas, maximum density numbers may be specified for Ungulate Winter Range, Special Management Zones, and/or Wildlife Habitat Areas.
4. When specifying any maximum density numbers that are to be applied to SP's approved on or before December 30, 1997, the RM should consider the potential financial implications. The RM should not normally specify a retrospective number that would result in a more onerous financial obligation than the maximum density numbers contained in SPs approved on or before December 30, 1997.
5. The RM may specify a maximum density number other than 10 000 if satisfied that a number other than 10 000 is necessary to ensure that the forest resources are adequately managed and conserved in an area. In determining adequate management and conservation of the forest resources, the RM should consider points 1-4.

Height criteria for Countable Trees

Free growing surveys tally the number of trees contributing towards the maximum density limit.

For clearcut, shelterwood, seed tree, and group selection silvicultural systems, the Silviculture Practices Regulation specifies that the minimum countable height standard is 20% of the median height of the crop trees.

For areas prescribed for single tree selection, the minimum countable trees are greater than or equal to 1.3 metres in height and have less than 7.5 cm dbh.

The RM may request that Chief Forester consider establishing different characteristics of trees to be counted for the purpose of determining if the maximum stand density has been exceeded. The RM may request the Chief Forester to consider specifying different standards for different silvicultural systems, species combinations, stand types, stand structures, or ingrowth patterns. In submitting a request, the RM should provide accompanying information illustrating the impact of any changes on licensee obligations, total stand density, and the achievement of desired stand, landscape and/or forest level objectives.

Note: *Changing countable heights can have a similar affect to maximum density obligations as changes to the maximum density number. Different countable height standards should be carefully evaluated in conjunction with any proposed changes to maximum density numbers.*

Note: *Growth and yield (GY) decision aids normally use estimates of total trees/ha and not countable trees/ha. When using growth and yield models to evaluate different stand densities, consider the difference between running a GY simulation that includes a tally of all trees versus a tally that includes only the countable stems per hectare.*

Implementing Stand Density Management Activities

Stand density management activities should only be done after careful consideration of the biological, economic, and forest level implications of the treatments and should not compromise the health or long-term value(s) of existing stands.

For silviculture prescriptions, only those areas within a standards unit that exceed the specified maximum density must be spaced. These areas must be spaced to within the specified range of maximum and minimum number of trees to be retained.

Refer to appropriate guidelines when implementing density management activities to manage forage and habitat for wildlife and livestock. E.g. *Guidelines for Maintaining Biodiversity During Juvenile Spacing, Guidelines for Integrating Coastal Grizzly Bear Habitat and Silviculture in Coastal British Columbia.*

Monitoring

Effectiveness audits are used to determine if Code provisions including Regulations, Policy, and Guidelines are effective, and provide the necessary information to manage stand densities. The Forest Practices Branch will work with forest regions, districts, and the MoELP to carry out effectiveness audits of stand density management procedures and requirements.

Compliance and enforcement inspections are used to determine if on-the-ground operations have achieved the objectives and standards contained in approved SPs. A review of the effectiveness of stand density management standards should be incorporated in the on-going monitoring and inspection of forest practices.

Training

Training of Ministry and industry personnel is an ongoing necessity to ensure consistent application of code provisions, analyses, design, and implementation of stand density management regimes. Persons designing stand density management regimes should attend related training courses.

Responsibilities

Chief Forester:

- provide provincial guidance as to desired future forest conditions that management units should be aimed at producing
- provide the stewardship assumptions and considerations that should be used in the development of stand density management regimes and maximum density numbers
- provide general guidance for the development of maximum density numbers for management units (i.e., TSAs, TFLs, woodlot licences)

Director, Forest Practices Branch:

- maintain stand density management guidelines, procedures, and legislation
- provide training and support for this policy and the *Guidelines*
- provide support and guidance to regions and districts
- monitor the implementation of legislation and guidelines related to stand density management
- provide training in the use of stand density management decision support tools for silviculture prescriptions

Director, Research Branch:

- develop decision support tools and information
- develop decision support tools that link forest, landscape, and stand level forest practices and consider other uses and values
- develop research information on stand density management for all major geographic areas, treatment types, and regimes
- provide user support for growth and yield decision aids

Director, Timber Supply Branch

- provide and update forest level models that adequately reflect the effects of silviculture density regimes on the achievement of desired landscape and forest objectives
- provide training in the use of forest level decision aids

Regional Managers:

- provide guidance, training, and support to regional and district staff on stand density management procedures
- monitor the implementation of this policy and the *Guidelines*
- provide input into the development and update of provincial stand density management guidelines and policies
- consider this policy and the *Guidelines* prior to establishing new maximum density numbers
- consider existing and future Timber Supply Review documents, management plans, and managed stand yield curves when specifying maximum density numbers
- consider the objectives and direction provided in Land and Resource Management Plans and Landscape Unit Plans respecting timber and non-timber values and uses
- consider information and input from District staff, forest industry, and other appropriate agencies (i.e., MoELP, local livestock associations, BCCA, and range agreement holders) when specifying maximum density numbers
- give written notice of the specification of new maximum density numbers

District Managers:

- only approve new SPs with maximum density numbers that are consistent with the Silviculture Practices Regulation and/or numbers specified by the RM
- ensure that new SPs specify maximum and minimum numbers of trees to be retained after a spacing treatment
- ensure that the post spacing range limited by the maximum and minimum numbers will result in the stand achieving the target future condition(s)
- ensure that stand density management activities are implemented consistent with forest, landscape, and stand level plans and prescriptions
- ensure that any new Timber Supply Reviews only include density management regimes in the analyses that are consistent with current stand density management practices
- ensure that stand density conditions in a management unit are included in the Ministry's corporate data bases

References

- *Guidelines for Developing Stand Density Management Regimes*
- *Forest Practices Code of British Columbia Act*, s. 70 (4)(e) and (f); (5); (6);
- *Forest Practices Code of British Columbia Act*, s. 174(1)
- *Operational Planning Regulation*, s. 39 (1) (a) (vi) (vii) and 39 (1)(d)(vi)
- *Silviculture Practices Regulation*, s. 12 & 13
- *Ministry of Forest Act*, s. 4
- *Range Act*, s. 3
- *Wildlife Management Act*, s. 7

Chapter 3 - Range Management
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Ministry of Forests
POLICY MANUAL

Subject: Allocation of Grazing Vacancy
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 3.1
Effective: 31-Jul-97

Scope

This policy covers the allocation of grazing vacancies.

Policy

Where the District Manager determines that a grazing vacancy exists and wishes to allocate the vacancy, the vacancy must be advertised. Applications will be rated using an approved applicant rating system (*Range Act*, s.5, 6, 10, 11).

Determination of Vacancy

To determine whether a grazing vacancy exists, the District Manager considers:

- if unused Crown forage is available for grazing by livestock
- goals and priorities stated in any approved resource management plans
- forage supply in relation to forage requirements of existing tenure holders and wildlife, and
- any other integrated resource values

Exceptions

This policy does not apply in the following situations:

replacement or renewal of a permit where the application is received by the District Manager prior to the permit's expiry date

- replacement or renewal of a licence where the application is received by the District Manager during the eighth or ninth year of the licence's term
- a permit or licence issued under s.29 of the *Range Act* as compensation for a deletion under s.26, or
- amendments to licences for management increases under s.5 of the *Range Act*

Advertising of Vacancy

If a grazing vacancy exists, the District Manager will decide whether or not to invite applications for the vacancy (*Range Regulation*, s.3, 4).

When an unsolicited application is received (i.e., no advertisement was placed), the District Manager will acknowledge the application and decide whether a grazing vacancy exists.

No grazing tenure will be issued unless the District Manager advertises as prescribed under s.10 of the *Range Act*.

Rating of Applicants

All applicants must be rated using an approved applicant rating system which considers:

- criteria listed in s.12 of the *Range Act*, and
- other requirements, items, and conditions, in accordance with existing legislation and with Ministry approved policies, procedures, and guidelines (*Range Regulation*, s.6)

Unqualified Applicants

An unqualified applicant is a person who does not meet Ministry criteria specified in the vacancy advertisement.

Where there are no qualified applicants for a grazing vacancy, unqualified applicants may be considered if this was stated in the advertisement. Only a one-year permit will be issued unless otherwise authorized by the District Manager. Upon expiry of the permit, the District Manager will determine if a vacancy exists.

One-Year Permits

One-year permits may be issued to applicants whose ranch base is outside B.C. provided that (*Range Act*, s.6):

- no applicant with proposed appurtenant lands in B.C., or no resident of B.C. applied who was acceptable to the District Manager
- all Crown grazing charges and related costs are paid in advance
- the applicant's livestock are approved livestock (see *Livestock Ownership and Control Policy*)

References

- *Livestock Act*
- *Range Act*, s.5, 6, 10, 11, 12, 26, 29
- *Range Regulation*, s.3, 4, 6

Scope

This policy covers the allocation of hay cutting vacancies.

Policy

Where the District Manager determines that a hay cutting vacancy exists and wishes to allocate the vacancy, the vacancy must be advertised. Applications will be rated using an approved applicant rating system.

Determination of Vacancy

To determine whether a hay cutting vacancy exists, the District Manager considers:

- if unused Crown forage is available to mechanically harvest for use by livestock
- goals and priorities stated in any approved resource management plans
- forage supply in relation to forage requirements of existing tenure holders and wildlife, and
- any other integrated resource values

Exceptions

This policy does not apply in the following situations:

- replacement or renewal of a permit where the application is received by the District Manager prior to the permit's expiry date
- replacement or renewal of a licence where the application is received by the District Manager during the eighth or ninth year of the licence's term
- a permit or licence issued under s.29 of the *Range Act* as compensation for a deletion under s.26, or
- amendments to licences for management increases under s.8 of the *Range Act*

Advertising of Vacancy

If a hay cutting vacancy exists, the District Manager will decide whether or not to invite applications for the vacancy (*Range Regulation*, s.3, 5).

When an unsolicited application is received (i.e., no advertisement was placed), the District Manager will acknowledge the application and decide whether a hay cutting vacancy exists.

No hay cutting tenure will be issued unless the District Manager advertises as prescribed under s.10 of the *Range Act*.

Rating of Applicants

All applicants must be rated using an approved applicant rating system which considers:

- all information given on the hay cutting application, in accordance with s.7 of the Range Regulation
- criteria listed in s.12 of the *Range Act*, adapted for hay cutting tenures, and
- other requirements, items, and conditions, in accordance with existing legislation and with Ministry approved policies, procedures, and guidelines (*Range Act*, s.6)

Unqualified Applications

An unqualified applicant is a person who does not meet Ministry criteria specified in the vacancy advertisement.

Where there are no qualified applicants for a hay cutting vacancy, unqualified applicants may be considered if this was stated in the advertisement. Only a one-year permit will be issued unless otherwise authorized by the District Manager. Upon expiry of the permit, the District Manager will determine if a vacancy exists.

References

- *Range Act*, s.6, 8, 9, 10, 12, 26, 29
- *Range Regulation*, s.3, 5, 7

Ministry of Forests
POLICY MANUAL

Subject: Guide Outfitters, Packers, and Other Commercial Horse Operators
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 3.3
Effective: 31-Jul-97

Scope

This policy covers the use of forage on Crown land by horses and other livestock used for commercial transportation.

Policy

All commercial horse operators using forage on Crown range require a grazing tenure (*Range Act*, s.5, 6).

Exceptions

The District Manager may exempt a commerical horse operator, either completely or partially, from commensurability and livestock ownership requirements (see *Commensurability* and *Livestock Ownership and Control).*

If the District Manager decides that commensurability requirements are appropriate, they will be applied using regional guidelines.

Stallions

Stallions may be permitted on Crown range with the written consent of the District Manager.

Allocation of Vacancy

Vacancies will be allocated to commercial horse operators in accordance with the policy on allocating grazing vacancies (*Range Regulation*, s.4).

References

- *Range Act*, s.5, 6
- *Range Regulation*, s.4

Ministry of Forests
POLICY MANUAL

Subject: Crown Range Improvements
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 3.4
Effective: 31-Jul-97

Scope

This policy covers the planning and implementing of range improvements on Crown range, including replacing or removing worn out, damaged, obsolete, or unauthorized improvements.

Policy

Maintenance and enhancement of Crown range may require a variety of range improvements. This may include structural changes such as fences or cattle guards, or non-structural changes, such as pest control measures or grass seeding.

Proposed range improvements will be reviewed and their priority for implementation established according to a program management plan.

All improvements, whether Ministry funded or not, must be completed according to Ministry specifications and standards, with the prior written approval of the District Manager.

Obligation of Tenure Holders

A tenure holder or applicant may be required to undertake range improvements as a condition of retaining, increasing, or being allocated a tenure (*Range Act*, 50(2)(d)).

Tenure holders are responsible for ensuring that authorized range improvements are maintained to Ministry standards.

Obligation of Agreement Holders

The District Manager may require agreements issued by the Ministry under the *Forest Act*, where applicable, to include terms and conditions requiring the agreement holder to make improvements required for the proper integrated resource management of the area. Improvements may include the constructing and installing of cattle guards, wing fences, and other remedial range improvements.

Ministry Funding of Improvements

The Ministry may aid Crown range improvements through approved cost-sharing agreements.

The Ministry may share in the initial construction or development costs of primary range improvements (i.e., those with a substantial impact on resource management), or replacement cost of worn-out or obsolete primary improvements, subject to funding availability (*Forest Act*, s.60; *Range Act*, s.27).

The District Manager may authorize costs incurred by a *Forest Act* tenure holder for cattle guards and remedial range fencing. Such costs will be recognized in the stumpage appraisal.

Improvements Not Funded by the Ministry

The Ministry will not fund range improvements on:

- private land
- land covered by grazing or agricultural leases
- land under an agreement, s.18, *Range Act*
- rights-of-way

Repair and Maintenance

Repair, maintenance, and removal of range improvements must meet Ministry standards.

The Ministry will not share costs for the repair and maintenance of primary structural improvements, or for the repair and maintenance of any secondary improvements (improvements with a limited impact on resource management).

Where two or more tenure holders share the same range, the range improvement, repair, and maintenance costs will be shared on a pro-rata basis according to each tenure holder's authorized use of the Crown range which benefits from the improvement, unless agreed otherwise by both tenure holders, or determined otherwise by the District Manager.

Where a range improvement such as a fence separates two tenure holders, the tenure holders on each side of the range improvement will be responsible for one half of the maintenance costs, unless otherwise agreed to by the parties and the District Manager.

Removal of Improvements

The Ministry may require removal of unauthorized improvements. The Ministry may also require authorized improvements to be removed which are no longer needed or create a hazard. The tenure holder is responsible for removing improvements (*Forest Practices Code of British Columbia Act,* s.74, 101).

Damages to Improvements

If an improvement is damaged, destroyed, or rendered ineffective , the tenure holder will fund the repair, replacement, or removal of the improvement.

If a known person other than the tenure holder caused the damage, the Crown may invoice the damager and prosecute under the *Offence Act.*

References

- *Forest Act,* s.60
- *Land Act*
- *Offence Act*
- *Range Act,* s.8, 18, 27, 50(2)(d)
- *Forest Practices Code of British Columbia Act*, s.74, 101

Ministry of Forests
POLICY MANUAL

Subject: Livestock Ownership and Control
Branch: Forest Practices
Signature: Philip G. Halkett, 23-Apr-93

No: **3.5**
Effective: 31-Mar-97

Scope

This policy covers the requirements for ownership or control of livestock which are grazed on Crown range.

Policy

Grazing tenure holders must own or control all livestock grazed on Crown range (*Range Act,* s. 5, 6, 15).

Ownership of Livestock

The owner of livestock is:

- the person who can sell the livestock, and to whom financial benefits or losses accrue
- a person or family who controls a corporation which owns the livestock, or
- an agent of either of the above

Control of Livestock

The tenure holder has control of livestock if:

- the livestock are leased, and the lease is acceptable to the District Manager, or
- the tenure holder is using livestock owned by a feeder association, and the agreement between them confers control of the livestock to the tenure holder in a manner accceptable to the District Manager

Exceptions

The District Manager may decide not to apply this policy for:

- bulls, which may be leased by the tenure holder or a group of tenure holders, or
- livestock required by commercial horse operators during the active business season

Proof of Ownership or Control

All livestock approved for turnout onto Crown range must be branded or marked in a manner approved by the District Manager. These animals are referred to as approved livestock.

In addition to branding or marking, the District Manager may also require that approved livestock be tagged in a specified manner (*Range Practices Regulation*, s. 8).

If livestock are not branded with a registered brand (as per the *Livestock Brand Act*) of which the tenure holder is the registered owner, proof of ownership or control must be provided to the District Manager upon request at least two weeks prior to turnout.

As proof of ownership, the District Manager may require a Bill of Sale as described in the *Livestock Brand Act* regulation.

Leased Livestock

The District Manager, following consultation with the local livestock association, may approve leased livestock when they constitute up to but not more than 50% of the tenure holder's authorized herd.

Leases must be for a minimum term of three years.

Only brood cows and bred heifers which the tenure holder intends to keep as replacement or additional brood cows may be leased.

The District Manager will require leased livestock to be marked by the lessor with an identification brand as provided for in the *Livestock Brand Act*, or marked in another manner acceptable to the District Manager.

Inspection

Livestock approved for turnout onto Crown range must be available for inspection on the tenure holder's ranch base, appurtenant lands, or other location approved by the District Manager, at least two weeks prior to turnout, or at any other reasonable time as required by the District Manager. Any other conditions required by the District Manager, consistent with the *Range Act*, regulations, and policies, must be met.

Tenure Suspension and Cancellation

A tenure will be suspended or cancelled if the tenure holder has livestock on Crown range which have not been approved by the District Manager (*Range Act*, s.31, 35; *Forest Practices Code of British Columbia Act*, s. 98).

A tenure may be suspended or cancelled if the tenure holder:

- fails to tag or mark approved livestock as directed by the District Manager, or
- fails to report the loss of tags

References

- *Livestock Act*
- *Livestock Brand Act*
- *Range Act*, s.5, 6, 15, 31, 35
- *Range Practices Regulation*, s. 8
- *Forest Practices Code of British Columbia Act*, s. 98

Ministry of Forests
POLICY MANUAL

Subject: Overwintering of Authorized Livestock
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93
No: 3.6
Effective: 31-Jul-97

Scope

This policy sets out the requirements for overwintering livestock which are authorized to graze on Crown range.

Policy

Grazing tenure holders must overwinter on appurtenant lands, or other lands authorized by the District Manager, a proportion of their cattle herd, or where the tenure authorizes yearlings, a specified number of animals, unless the District Manager waives overwintering requirements.

The overwintering policy does not apply to herd bulls or calves under six months of age. It may be applied to other livestock at the discretion of the District Manager.

All replacement or renewal grazing tenures must comply with overwintering requirements.

Determination of Overwintering Requirements

The proportion or number of animals to be overwintered is determined by the Regional Manager after consulting with the livestock association representatives within the forest region.

Waiver

A tenure holder may apply to the District Manager for a waiver of overwintering requirements.

Where cattle are overwintered other than on appurtenant lands or other lands authorized by the District Manager, the tenure holder must apply for a waiver and must specify the location of the property.

A waiver issued may not be for a period exceeding the term of the grazing tenure. A waiver will not be automatically granted for a replacement or renewed tenure.

Non-Use Authorization

When a tenure holder has a non-use authorization, the overwintering policy will not apply to the cattle for which the non-use applies.

References

- *Range Act*, s.5, 6, 50 (2) (b)
- *Range Regulation*, s.4, 5

Scope

This policy specifies criteria used to give consent to transfer a range tenure.

Policy

The Ministry recognizes that to maintain a ranch or other business as an ongoing financial entity, the owner must be able to sell or lease all or part of the ranch or business, as well as transfer an associated tenure.

Consent to transfer a range tenure associated with a ranch or other livestock enterprise will be given if the Regional Manager determines that the proposed new tenure holder intends to continue using the appurtenant lands and range tenure as a livestock enterprise (*Range Act*, s.20).

Criteria for Transfer

Consent to transfer all or part of a tenure will be given only where there is a change in ownership or control of all or part of the appurtenant lands.

To obtain consent to transfer a tenure, the existing tenure holder and the proposed tenure holder must provide an assignment and any additional documentation required by the Ministry. An assignment is an agreement between the existing tenure holder and the proposed tenure holder, approved by the Regional Manager, which assigns the tenure from one holder to another.

Consent to transfer may also be given where a tenure holder wishes to transfer the tenure from the holder to a partnership in which the holder is a partner and the holder retains ownership or control of the land appurtenant to the tenure.

Commensurability

When a request is made for consent to transfer part of a tenure, the existing tenure holder's appurtenant lands must be commensurate with the portion of the tenure retained (*Range Act*, s. 5-9).

The proposed tenure holder's appurtenant lands must be commensurate with the transferred portion of the tenure.

Hay cutting licences and permits may be credited for their authorized use in the determination of commensurability. They must remain valid during the grazing tenure period.

Appurtenant Lands

Appurtenant lands are lands in B.C. which include:

- private land owned by the tenure holder or applicant
- land leased from the Crown
- land under private lease
- land leased from the Federal government
- Indian reserves

Leases must remain in effect throughout the tenure period.

Written Consent for Ownership Change

The Regional Manager's written consent is required for a change of ownership or control of appurtentant lands. The Regional Manager may cancel a grazing tenure without notice where a change of ownership or control of all or part of the tenure occurs without the Regional Manager's prior written consent.

If a corporation is the tenure holder, and if control of the corporation changes or it amalgamates with another corporation without the Regional Manager's prior written consent, the Regional Manager may cancel the tenure without notice (*Range Act*, s.35).

Exceptions to these conditions are outlined in s.20(3) of the *Range Act*. In these cases, changes of ownership or control must be reported to the Regional Manager within three months and must result in the tenure being held by the person who owns or leases the appurtenant lands (*Range Act*, s.20).

Overwintering

The District Manager may include a waiver of overwintering requirements as part of the terms and conditions of a transfer of tenure (see policy 3.6, *Overwintering of Authorized Livestock*).

Non-Use Authorization

If the existing tenure holder has a non-use authorization, the new tenure holder may continue with that non-use authorization and restocking schedule, with the consent of the District Manager. The restocking schedule must set out how the tenure holder will restock the Crown range to bring the actual use up to authorized use (see procedure, *Non-use of Grazing Rights* in the *Range Program Manual)*.

References

- *Range Act*, s.5-9, 20, 35
- Range Program Manual, Chapter 3.8, *Non-use of Grazing Rights*
- *Range Regulation*, s.11

Ministry of Forests
POLICY MANUAL

Subject: Non-Use of Grazing Rights
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 3.8
Effective: 31-Jul-97

Scope

This policy establishes the terms and conditions under which grazing tenure holders may use less than the amount of forage authorized by the tenure.

Policy

Short term fluctuations are allowed in the use of authorized Crown forage, but if over the long term, and without Ministry consent, the authorized use is not fully utilized, the tenure will be suspended and may be cancelled.

On the request of the tenure holder, the Ministry may allow the tenure holder not to utilize a portion or all of the authorized use.

Authorized Non-use

If the authorized use is not used, the tenure will be suspended and may be cancelled, except in the following circumstances (*Range Act*, s.31, 35):

- the non-use is 20% or less of the authorized use
- in the case of planned business venture or financial distress, the tenure holder applies to, and receives permission from the District Manager not to use a portion or all of the authorized use. This application must be received before January 1 of the year in which the non-use is to occur.
- in the case of an unforeseen event, the tenure holder notifies the District Manager within 14 days, and the District Manager is satisfied that it was an unforeseen event

Obligations of Tenure Holder

If the non-use exceeds 20% of the authorized use, the tenure holder must apply for a non-use authorization.

As a condition of a non-use authorization, the tenure holder may be required to prepare a revised tenure management plan which is acceptable to the District Manager.

Non-use of Crown range does not waive the tenure holder's other financial obligations, such as paying fees and levies related to Crown range resource and livestock management.

District Managers will request tenure holders to report all current or anticipated non-use.

Reduction of Fees and Rent

Grazing fees payable by the tenure holder may be reduced for unforeseen events or circumstances beyond the control of the tenure holder if they are reported within 14 days of their occurrence and are accepted by the District Manager (*Range Act*, s.11, 19).

Grazing fees may also be reduced for planned business ventures or cases of financial distress when reported before January 1 of the relevant year.

Ground rent is not affected by non-use.

References

- *Range Act*, s.11, 19, 31, 35
- *Range Regulation*, s.4, 10

Ministry of Forests ***POLICY MANUAL***	**Subject**: Tenure Administration **Branch**: Forest Practices **Signature**: Philip G. Halkett, 24-Apr-93	**No**: 3.9 **Effective**: 31-Mar-97

Scope

This policy outlines general terms and conditions for the issuance and administration of tenures.

Policy

Commercial users of Crown range require tenures. Recreational users may require tenures at the discretion of the District Manager.

Where appropriate, licences are the preferred form of tenure for beef cattle.

Obligations of Tenure Holders

Tenure holders are given flexibility to manage their operations within the terms and conditions of the tenure, provided that:

- Ministry standards for Crown range management are maintained, and
- the use of the resource follows the principles of integrated resource management

Terms and Conditions

The District Manager may require that tenures include an approved tenure management plan to ensure that the range resource is protected.

Tenures will normally be issued on the basis of appurtenant lands.

Tenures are issued subject to any other terms and conditions the Regional Manager or Minister considers appropriate.

Integrated Resource Management

Administration of tenures will reflect integrated resource management priorities where considered appropriate by the Ministry planning process.

References

- *Range Act*, s. 5, 6, 7, 8, 9
- *Range Regulation*, s. 4, 5

Ministry of Forests
POLICY MANUAL

Subject: Commensurability
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 3.10
Effective: 31-Jul-97

Scope

This policy covers the requirements for commensurability of grazing tenure holders and applicants.

Policy

Applicants for grazing tenures must be commensurate. Tenure holders must maintain full commensurability throughout the term of the tenure, including renewal or replacement tenures (*Range Act*, s.5-9).

Evaluation of Commensurability

To be commensurate, the forage production capability of existing appurtenant tillable lands under local agronomic management practices, and the current forage production of unimproved appurtenant lands must be sufficient to produce enough useable forage to feed the livestock authorized under the tenure when Crown forage is not available.

The District Manager will consider local agronomic management practices in the evaluation of forage production capability on tillable appurtenant land.

Hay cutting licences and permits may be credited for their authorized use in the determination of commensurability. They must remain valid during the grazing tenure period.

Exceptions

Specific stock ranges or forest districts may be exempted partially or completely from commensurability by the Regional Manager after consultation with the livestock assocation.

Commercial horse operators may also be exempted, with the approval of the District Manager.

Appurtenant Lands

Appurtenant lands are lands in B.C. which include

- private land owned by the tenure holder or applicant
- land leased from the Crown
- land under private lease
- land leased from the Federal government
- Indian reserves

Leases must remain in effect throughout the grazing tenure period.

Maintaining Commensurability

With the Regional Manager's prior written approval, tenure holders may delete appurtenant land, provided commensurability is maintained.

If a tenure holder loses control or disposes of some or all appurtenant lands without prior written consent of the Regional Manager, the Regional Manager may cancel the grazing tenure without notice (*Range Act*, s.35).

Transfer of Tenure

When a tenure holder submits a request for transfer and the tenure is found to be non-commensurate, the tenure holder will be allowed to transfer only the commensurate portion of the tenure (*Range Regulation,* s.11).

When a request is made to transfer part of a tenure, the existing tenure holder's appurtenant lands must be commensurate with the portion of the tenure retained, and the proposed tenure holder's appurtenant lands must be commensurate with the portion of the tenure transferred.

References

- *Range Act*, s.5-9, 35
- *Range Regulation*, s.4, 11

Chapter 4 - Recreation Management
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4.3 Wilderness Management

Ministry of Forests
POLICY MANUAL

Subject: Recreation Management
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **4.1**
Effective: 01-June-96
Updated: 15-Oct-97

Scope

This policy covers recreation management on British Columbia's public forest lands, which include all provincial forest lands and all other provincial Crown lands outside parks and settled areas, such as non-municipal and rural settlements.

Policy

Recreation management will:

- recognize recreation resources as part of the resource base of B.C.'s public forest lands
- recognize recreation resources as encompassing the full spectrum of recreation values and opportunities, including scenic landscapes, wilderness, cultural and heritage landmarks, and developed recreation facilities
- maintain or enhance recreation resources in keeping with the concepts and principles of integrated resource management (IRM), which balances the management and use of all forest resources
- identify the recreation needs and interests of society through ongoing liaison with the public
- carry out recreation management according to concepts, principles, procedures, responsibilities, and guidelines set out in the Ministry's *Recreation Manual*

Protection and Management

Recreation management will protect and manage recreation resources by:

- assessing the use, demand, and value of recreation resources
- maintaining a recreation inventory of the biophysical and cultural features, and the full spectrum of recreation opportunities on B.C.'s public forest lands. This includes requiring tree farm licensees to carry out, at their cost and to Ministry standards, a recreation inventory of lands within their licence area
- recommending recreation objectives and using the IRM planning process to establish and incorporate recreation objectives into Ministry and licensee plans.

- ensuring that recreation values are considered in resource management decisions for B.C.'s public forest lands. This includes establishing recreation management guidelines as a basis for assessing the implications of recreation objectives on available timber volumes and timber harvesting and silviculture prescriptions.

Public Use

Recreation management will facilitate and manage public recreation use of B.C.'s public forest lands by:

- informing the public of the types and locations of recreation opportunities via brochures, signs, and posters
- providing in areas of concentrated use, a network of safe, sanitary, socially acceptable, and environmentally sound recreation sites and trails that encompass the full spectrum of outdoor recreation opportunities and are rustic by design
- planning and managing dispersed commercial and non-commercial recreation use of public forest lands throughout the province, coordinating with other agencies as required
- explaining and discussing IRM with the public
- enforcing recreation management regulations

References

- *Forest Practices Code of British Columbia Act,* s.6, 7, 105, 170, 206
- *Public Involvement Handbook*
- *Recreation Manual*
- *Resource Planning Manual*

Ministry of Forests	**Subject**:	Forest Landscape Management	**No**:	**4.2**
POLICY MANUAL	**Branch**:	Forest Practices Branch	**Effective**:	01-June-96
	Signature:	Philip G. Halkett, 23-Apr-93	**Updated:**	15-Oct-97

Scope

This policy covers forest landscape management on B.C.'s public forest lands, which include all provincial forest lands and all other provincial Crown lands outside parks and settled areas, such as non-municipal and rural settlements.

Policy

Forest landscape management will:

- recognize visual resources as part of the full spectrum of outdoor recreation values and opportunities
- maintain or enhance visual resources in keeping with the concepts and principles of integrated resource management (IRM)
- carry out forest landscape management according to concepts, principles, procedures, responsibilities, and guidelines set out in the *Forest Landscape Handbook* and the *Recreation Manual*
- involve the public in forest landscape management

Definitions

Forest landscape management: the identification and assessment of visual resources and the consideration of those resources in the integrated resource management of provincial forests (not to be confused with other uses and meanings of the term "landscape" as they apply to other fields such as landscape ecology or conservation biology).

Visual Resource: the aesthetic quality of natural and cultural landscapes where the natural and man-made elements are in harmony.

A visual quality objective: a visual condition to be achieved in the course of forest development, timber harvesting, and silvicultural practices.

Visual Quality Objectives

Forest landscape management will recommend visual quality objectives for visually sensitive areas and assist in the IRM planning process to establish and incorporate visual quality objectives into Ministry and licensee plans.

Guidelines

Provincial and regional landscape guidelines will be established to:

- provide a basis for assessing the implications of visual quality objectives on available timber volumes, timber harvesting costs, and ecological and pest management issues
- encourage site-specific landscape analysis and design

Licensee Responsibilities

Tree farm licensees are required to carry out landscape inventory, analysis, design, and implementation within their licence areas and their areas of operation (*Forest Act*, 35(1)(d)(ii)).

All other licensees, including Small Business Forest Enterprise Program operators, will carry out landscape analysis and design as required, and operate in accordance with forest landscape management plans prepared by the Ministry.

References

- *Forest Act,* s. 35(1)(d)(ii)
- *Forest Landscape Handbook*
- *Ministry of Forests Act,* s.4
- Ministry Policy Manual, Resource Management, 4.1, *Recreation Management*
- *Public Involvement Handbook*
- *Recreation Manual*
- *Resource Planning Manual*

Ministry of Forests
POLICY MANUAL

Subject: Wilderness Management
Branch: Forest Practices Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **4.3**
Effective: 01-June-96
Updated: 15-Oct-97

Scope

This policy covers the research, inventory, planning (allocation), management, and use of wilderness resources on B.C.'s public forest lands, which include all provincial forest lands and all other provincial Crown lands outside parks and settled areas, such as non-municipal and rural settlements.

Policy

The Ministry of Forest's wilderness policy is fully outlined in *Managing Wilderness in Provincial Forests: A Policy Framework*. The following represents policy highlights.

Definition

Wilderness is an area of land generally greater than 1,000 hectares that predominantly retains its natural character. It is an area where human impact is transitory, minor, and in the long run, substantially unnoticeable.

Overall Policy Framework

Purpose: The Ministry of Forest's wilderness program will maintain and protect a wilderness resource in relation to other uses of provincial forests, and provide maximum benefits to the citizens of British Columbia (*Forest Act*, s.2, 3, 4, 6).

Objectives: Ministry wilderness objectives are:

- research — to assess the use, demand, and value of wilderness
- inventory — to develop and maintain an inventory of wilderness
- planning — to identify, assess, and recognize wilderness resources, make recommendations on areas that Cabinet may decide to designate as a wilderness area, and to ensure wilderness is adequately considered in integrated resource management
- management — to prepare, implement, and monitor a wilderness management plan for each designated wilderness area

Planning: Wilderness planning will be carried out in the context of land use planning and according to the following steps:

- identification — developing an overall game plan for identifying and prioritizing wilderness study areas
- assessment and designation — carrying out detailed wilderness studies (including assessments of all resources) of individual areas and making recommendations to Cabinet
- management — preparing a wilderness management plan for each designated wilderness area

Wilderness resources may be protected in provincial forests through designation as a wilderness area, or by zoning for wilderness values in integrated resource management (IRM) plans.

Specific Policy Issues

Public Involvement: Existing policy and procedures on public involvement willl be applied to the wilderness program. Resource users and the public will be consulted in preparing wilderness policy and plans.

Coordination: The Ministry will work cooperatively with other agencies and groups on wilderness research, inventory, planning, and management in order to encourage coordination among the numerous wilderness programs.

Distribution: The Ministry will:

- consider the geographic distribution of wilderness in terms of existing protected areas, the demand for additional areas representing natural environments and features, and other resource values
- provide for the greater demand which may be placed on wilderness resources that are closer to population centres

Mining: The Ministry, in cooperation with the Ministry of Energy, Mines and Petroleum Resources, will regulate how mining activities occur in wilderness areas (*Forest Practices Code of British Columbia Act*, s. 2).

Forest Industry: The Ministry will consider the impact of wilderness designation on the forest industry by ensuring that any decisions regarding wilderness are made only after a full assessment of all resource values, including timber values.

Access Management: The Ministry will manage access to wilderness by:

- prohibiting public roads in wilderness areas
- requiring that all roads for mining activities are closed to the public and reclaimed
- restricting use of motorized vehicles unless specifically permitted in a wilderness management plan

Commercial and Public Use: Commerical and public recreational use of wilderness will be allowed provided that the levels and types of use are consistent with wilderness management objectives.

Fire and Forest Health: Fire and forest health management strategies will be established in each wilderness management plan. These strategies will address carrying out fire and forest health management activities (including tree cutting and salvage operations) if public safety or adjacent commerical forests are threatened, or if such actions are in the public interest.

Fish and Wildlife Management: The Ministry will cooperate with other agencies, particularly the Ministry of Environment, to:

- recognize the role of wilderness in the protection of fish and wildlife resources

- allow sports-fishing, hunting, wildlife viewing and the continuation of existing trap lines in wilderness areas, provided such uses are compatible with wilderness

Range Management: A range management strategy will be established in each wilderness management plan and allow range management activities provided they are consistent with wilderness.

Cultural and Heritage Values: The Ministry will cooperate with other agencies, particularly the Ministry of Municipal Affairs, Recreation and Culture to identify and manage cultural and heritage values in wilderness areas.

Information and Education: The Ministry will work cooperatively with other agencies and groups to develop information and education programs on wilderness to help manage use and inform and educate users.

Liability: Due to the inherent risk of wilderness travel, the Ministry will:

- ensure reasonable care is taken to inform the public about risks
- ensure all Forest Service facilities in wilderness areas meet reasonable standards of health, safety, and environmental quality
- encourage commerical operators in wilderness areas to meet reasonable standards

References

- *Forest Act*, s.2, 3, 4, 6
- *Forest Practices Code of British Columbia Act*, s. 2
- *Managing Wilderness in Provincial Forests: A Policy Framework*, 1989
- *Recreation Manual*, s.12
- Ministry Policy Manual, Resource Management, 4.1, *Recreation Management*

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7.1 Ecological Reserve Proposals
7.2 Standard Symbols and Codes for Vegetation and Ecosystems

Ministry of Forests
POLICY MANUAL

Subject: Ecological Reserve Proposals
Branch: Research Branch
Signature: Philip G. Halkett, 23-Apr-93

No: 7.1
Effective: 01-Apr-93

Scope

This policy covers proposals for ecological reserves required for forest research.

Policy

Ecological reserves must be established to provide a protected land base for:

- long range research study important to forest land management
- protection of ecosystems containing outstanding, unique, rare, or endangered features

Ecological reserves will be established through an orderly process, involving:

- preparation of selection criteria
- identification of representative forested ecosystems
- presentation of ecological reserve proposals to the Ecological Reserves Unit

Ecological Reserves Unit

The Ecological Reserves Unit is part of the Ministry of Lands & Parks. It has the overall responsibility of promoting, establishing, managing, and administering ecological reserves.

All proposals for ecological reserves must be submitted to the Ecological Reserve Unit. The Ministry of Forests, Research Branch will recommend to the Unit forested ecological reserves suitable for forest research needs.

Preparing Proposals

Proposals should include a selected range of ecosystems representative of the variety of ecosystems in B.C, including ecosystems from each forested biogeoclimatic subzone and variant. (An ecosystem is a land area which is relatively uniform in its composition and structure.)

Proposals originating in a region must first be submitted to the regional Forest Science Section, which will select the representative forested ecosystems suitable for that research need. Forest Science will also liaise with other resource agencies in the region to identify potential integrated benefits and conflicts. When the proposal has been finalized, Forest Science will submit it to the Regional Manager, who will forward it to the Ministry of Lands and Parks.

References

- *Ecological Reserves Act,* RSBC 1979

Ministry of Forests **POLICY MANUAL**	**Subject**:	Standard Symbols and Codes for Vegetation and Ecosystems	**No**:	**7.2**
	Branch:	Research Branch	**Effective**:	01-Apr-93
	Signature:	Philip G. Halkett, 23-Apr-93		

Scope

This policy contains guidelines for the use of standard symbols and identification codes for lichens, vascular and non-vascular plants, and biogeoclimatic and site units. The policy applies throughout the Ministry except for Valuation Branch scaling operations.

Policy

Official standard identification codes and symbols must be established for trees, other vegetation, and biogeoclimatic and site units.

These codes and symbols will be used on all data forms, maps, reports, and publications produced by the Ministry. With the exception of Valuation Branch scaling operations, all branches, regions, and districts will use standard symbols and codes.

Standard Identification Codes

A standard identification code (SIC) is a combination of letters and/or digits that has the same meaning Ministry wide. An SIC allows Ministry information to be transmitted, stored, and retrieved quickly and efficiently, from all areas of the Ministry. The use of SICs helps reduce the inconsistency and confusion that results from using different codes for the same thing.Types of Codes and Symbols

Codes and symbols for trees, plants, and biogeoclimatic and site units will have the following basic structure:

Code/Symbol	Vegetation
standard letter symbols	recognized B.C. native trees species important brush and browse species
standard nomenclature and computer codes	lichens and vascular and non-vascular plants occurring in B.C.
computer codes and presentation format	biogeoclimatic and site units

Use of Codes and Symbols

The use of codes as listed in the scaling manual and harvest data base manual for genus and species will be applicable to all scaling, valuation, and timber management activities based on the harvest data base system.

Deviations from this policy require the prior approval of the Chief Forester.

References

- Annex A, *Letter symbols for the Recognized Commercial Native Tree Species of B.C.*
- Annex B, *Letter Symbols for the Non-commercial Native Tree Species of B.C.*
- Annex C, *Important Brush and Browse Shrub Species*
- Annex D, *Additional Brush and Browse Shrub Species*
- Annex E, *Recategorization of Vascular Plants for the Purposes of the Ministry of Forests Vegetation List*
- Annex F, *Standard Code and Presentation Format for the Ecosystem Classification Program*
- Annex G, *Rules Used in Preparing the Ministry of Forests Vegetation Coding List,* B.D. Titus, 1980
- Annex H, *Hybrid and Synonymous Codes for Vascular and Non-vascular Plants*
- Annex I, *Letter Symbols for the Recognized Commercial Exotic Tree Species of British Columbia*
- *B.C. Forest Service Scaling Manual*
- *Coding Instructions for Harvest Data Base System,* Vols. 1,2
- *Exemption — Policy on Standard Codes and Symbols,* H. Waelti, 1985, memorandum
- *Vegetation Coding List,* B.D. Titus, 1980

Appendix A HDBS Log to Standard Tree Species

Code Conversion Rules

The Species level (two characters) should be used as much as possible. Some HDBS codes translate only to the Genus level (one character) in the Ministry standard codes.

Originating HDBS Log Species		***Destination Standard Tree Species***		***Conversion Comment***
AL	Alder	DR	red alder	
AR	Arbutus	RA	arbutus	
AS	Aspen	AT	trembling aspen	
BA	Balsam	B	true fir	
BI	Birch	EP	paper birch	95% of birch in industry is paper birch.
CE	Cedar	CW	western redcedar	
CO	Cottonwood	AC	poplar	
CY	Cypress	YC	yellow-cedar	
FI	Fir	FD	Douglas-fir	
HE	Hemlock	H	hemlock	
LA	Larch	L	larch	
LO	Lodge-Pine	PL	lodgepole pine	
MA	Maple	MB	bigleaf maple	95% of maple in industry is bigleaf maple.
OT	Other Species			No corresponding Tree Species code.
R	Rejects			No corresponding Tree Species code.
SP	Spruce	S	spruce	
UU	Yew	TW	western yew	
WA	Waste			No corresponding Tree Species code.
WB	White Bark Pine	PA	whitebark pine	
WH	White Pine	PW	western white pine	
WI	Willow	W	willow	
YE	Yellow Pine	PY	yellow pine	
ZZ	Rejects			No corresponding Tree Species code.

Appendix B Standard Tree Species to HDBS Log

Code Conversion Rules

Originating Standard Tree Species		***Destination HDBS Log Species***		***Conversion Comment***
A	poplar			No corresponding HDBS code.
AC	poplar	CO	Cottonwood	
ACB	balsam poplar	CO	Cottonwood	
ACT	black cottonwood	CO	Cottonwood	
AT	trembling aspen	AS	Aspen	
B	true fir	BA	Balsam	
BA	amabilis fir	BA	Balsam	
BG	grand fir	BA	Balsam	
BL	subalpine fir	BA	Balsam	
C	western redcedar	CE	Cedar	
CW	western redcedar	CE	Cedar	
D	alder	AL	Alder	
DR	red alder	AL	Alder	
E	birch	BI	Birch	
EA	Alaska paper birch	BI	Birch	
EP	paper birch	BI	Birch	
F	Douglas-fir	FI	Fir	
FD	Douglas-fir	FI	Fir	
FDC	Douglas-fir (coast)	FI	Fir	
FDI	Douglas-fir (interior)	FI	Fir	
G	dogwood			No corresponding HDBS code.
GP	western flowering dogwood			No corresponding HDBS code.
H	hemlock	HE	Hemlock	
HM	mountain hemlock	HE	Hemlock	
HW	western hemlock	HE	Hemlock	
J	juniper			No corresponding HDBS code.
JR	Rocky Mountain juniper			No corresponding HDBS code.
K	cascara			No corresponding HDBS code.
KC	cascara			No corresponding HDBS code.
L	larch	LA	Larch	
LA	alpine larch	LA	Larch	
LT	tamarack	LA	Larch	
LW	western larch	LA	Larch	

Originating Standard Tree Species		***Destination HDBS Log Species***		***Conversion Comment***
M	maple	MA	Maple	
MB	bigleaf maple	MA	Maple	
P	pine			No corresponding HDBS code.
PA	whitebark pine	WB	White Bark Pine	
PF	limber pine			No corresponding HDBS code.
PJ	jack pine			No corresponding HDBS code.
PL	lodgepole pine	LO	Lodge-pine	
PLC	lodgepole pine (coast)	LO	Lodge-pine	
PLI	lodgepole pine (interior)	LO	Lodge-pine	
PW	western white pine	WH	White Pine	
PY	yellow pine	YE	Yellow Pine	
Q	oak			No corresponding HDBS code.
QG	Garry oak			No corresponding HDBS code.
R	arbutus	AR	Arbutus	
RA	arbutus	AR	Arbutus	
S	spruce	SP	Spruce	
SB	black spruce	SP	Spruce	
SE	Engelmann spruce	SP	Spruce	
SS	sitka spruce	SP	Spruce	
SW	white spruce	SP	Spruce	
SX	spruce hybrid	SP	Spruce	
T	yew	UU	Yew	
TW	western yew	UU	Yew	
W	willow	WI	Willow	
Y	yellow-cedar	CY	Cypress	
YC	yellow-cedar	CY	Cypress	

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- **8.7** Woodlot Licence Program - General Administration
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Ministry of Forests
POLICY MANUAL

Subject: Timber Utilization - Coastal and Interior
Branch: Resource Tenures & Eng. Branch
Signature: Philip G. Halkett

No: 8.1
Effective: 01-Oct-93
Updated: 15-Oct-97

Scope

This policy covers the standards set for the utilization of Crown timber. It applies to all cutting authorities issued under the *Forest Act*.

Policy

All cutting authorities issued under the *Forest Act* will specify the timber utilization requirements.

Definitions

Timber Utilization means the cutting and removal of timber from the cutting authority area.

Cutting Authority means a timber sale licence, a licence to cut, a road permit, or a cutting permit issued under a tree farm licence, forest licence, timber licence, or woodlot licence.

Standard Timber Utilization Requirements

Standard timber utilization requirements for tree species, stump height and diameter, log top diameter, log length, and log quality (or grade) will be established and maintained for all Crown timber, taking into account social, environmental, and economic factors associated with timber harvesting.

Modified Timber Utilization Requirements

At the discretion of the District Manager, the standard timber utilization requirements may be modified on a site-by-site basis. Generally, such modifications will require more stringent timber utilization requirements.

Charges

Certain timber left on the harvested area, and for which utilization is optional under the cutting authority, is subject to cut control charges. Timber left on the harvested area, and for which utilization is mandatory under the cutting authority, is subject to stumpage or royalty charges (inclusive of any bonus bids and levies) and cut control charges.

References

- *Forest Act*, s. 8 (7), s. 64
- *Timber Harvesting Manual*, Chapter 33

Ministry of Forests
POLICY MANUAL

Subject: Woodlot Licence Program - General Administration
Branch: Resource Tenures and Eng. Branch
Signature: Gerry R. Armstrong

No: **8.7**
Effective: 15-Mar-96
Updated: 15-Oct-97

Scope

This policy establishes the overall framework for the administration of the Woodlot Licence Program. It applies throughout the Ministry.

Policy

It is the policy of this Ministry, through an efficiently administered Woodlot Licence Program:

- to increase the amount of private forest land under sustained yield management, and to improve the productivity of that land
- to improve the productivity of small parcels of Crown forest land
- to increase the opportunities for private citizens to participate directly in small-scale forest management operations
- to promote local employment opportunities
- to promote excellence in forest resource management

District Plan

The District Manager should:

- assess the demand for woodlot licences within the forest district on an ongoing basis
- assess the availability of suitable areas for woodlot licences within the forest district
- maintain a district plan for the advertising of new woodlot licence opportunities

References

- *Ministry of Forests Act*, s.4
- *Forest Act*, s.1, 44 to 46, and others
- *Timber Administration Manual*

General Procedures

Assess Demand

The District Manager should maintain a record of applications for woodlot licences in the district.

Assess Availability

The District Manager should identify areas suitable for woodlot licences during district planning processes and maintain a list of potential woodlot licence opportunities.

District Plan

The District Manager should maintain a plan for advertising woodlot licence opportunities that considers:

- demand for woodlot licences
- availability of suitable areas
- district staff and financial resources

Ministry of Forests
POLICY MANUAL

Subject: Woodlot Licence Program - Private Land Exchanges and Deletions
Branch: Resource Tenures & Eng. Branch
Signature: Philip G. Halkett, 10-Aug-93
No: **8.8**
Effective: 01-Oct-93
Updated: 15-Oct-97

Scope

This policy establishes the criteria for exchanging or deleting private land from woodlot licences (*Forest Act*, s. 54). It applies to all woodlot licences.

Policy

It is the policy of this Ministry that:

- the prior written consent of the Minister is required to delete private land from a woodlot licence, or to dispose of an interest in private land in a woodlot licence

- the prior consent of the Minister is required to exchange private land within a woodlot licence

Impact on Management

The review of all requests for deleting or exchanging private land will consider the impact of the request on forest resource management within the woodlot licence.

Increased Productivity

Generally, the granting of the request to exchange land should not negatively affect the allowable annual cut of the woodlot licence. Thus, any request to replace land of a lower productivity with land of a higher productivity would generally receive a favourable recommendation.

Higher or Better Use

Requests to delete a minor portion of private land for a 'higher or better use' would generally receive a favourable recommendation.

Management Plan

The woodlot licence management plan will be revised within a reasonable time of the granting of the deletion or exchange of private land in the woodlot licence and continue to define the proportion of the harvest between private and Crown land.

References

- *Forest Act*, s. 44, 45, 46, 54
- *Licence Document*
- *Ministry of Forests Act*, s.4
- *Timber Administration Manual*
- *Woodlot Licence Management Plan*

General Procedures

District Review

The District Manager will review every request to delete or exchange private land in a woodlot licence and consider the impact of the request on the overall forest resource management within the woodlot licence.

The request and district recommendation will be forwarded to the Regional Manager.

Regional Review

The Regional Manager will review the request and district recommendation in the context of regional consistency, adherence to policy, and impact on forest resource management.

The request and district and regional recommendations will be forwarded to the Director, Timber Harvesting Branch.

Branch Review

Branch staff will review the request and recommendations for adherence to policy and impact on forest resource management.

Branch staff will forward recommendations to the Minister for decision.

Management Plan

The District Manager will require a revised management plan for any woodlot licence in which private land has been deleted or exchanged. The management plan will be revised to reflect the changes to the land base of the woodlot licence.

Ministry of Forests ***POLICY MANUAL***	**Subject**: Woodlot Licence Program - Competition, Evaluation, and Award **Branch**: Resource Tenures and Engineering **Signature**: Gerry R. Armstrong	**No**: **8.9** **Effective**: 31-Jul-97

Scope

This policy establishes the methods for competition, evaluation, and award of woodlot licences. It applies throughout the Ministry.

Policy

It is the policy of this Ministry:

- to advertise all woodlot licence opportunities for competition
- to evaluate all eligible applications according to:
    - **private land**: amount and character
    - **applicant:** qualifications to manage a woodlot licence
    - **management intent**: proposed by the applicant

Advertisement

All woodlot licence opportunities will be advertised for competition as specified in the Advertising, Deposits and Disposition Regulation.

Evaluation Weights

The legal advertisement, notice to intending applicants, and any information relating to the competition shall indicate the relative weighting of the evaluation factors.

The evaluation categories and their weighting ranges are:

Category	Range
Private land contribution	20% - 60%
Applicant	20% - 50%
Management intent	10% - 60%

Private land

The only land that will receive a score in the evaluation is:

- fee-simple land, owned by the applicant
- Crown land over which a "Letter of Commitment for Sale" has been issued by the Ministry of Environment, Lands and Parks, Lands Branch, and for which full payment has been received by that Ministry
- Indian reserve land for which a commitment has been made by the applicant (normally the band council) to manage the land for long-term forest management

Evaluation

The District Manager will be guided by the attached general procedures and the *Timber Administration Manual* when evaluating and approving applications for woodlot licences.

References

- *Ministry of Forests Act*, s.4
- *Forest Act*, s.1, 44 to 46, and others
- *Advertising, Deposits and Disposition Regulation*
- *Timber Administration Manual*

General Procedures

Advertisement

Advertisements for woodlot licence opportunities shall include:

- woodlot licence number
- forest district
- general location of woodlot licence opportunity
- approximate allowable annual cut for Crown land portion
- weighting of evaluation criteria (private land, applicant, management intent)
- closing date and location

The advertisement format is in the *Woodlot Licence Procedures Manual*.

Evaluation Weights

The evaluation categories and their weighting ranges are:

Category	Range
Private land contribution	20% - 60%
Applicant	20% - 50%
Management intent	10% - 60%

Application Opening

Only those applications that have been received by the specified time shall be opened.

Application Screening

All applications submitted before the specified time shall be screened and only applications submitted by eligible applicants, as defined in the *Forest Act*, shall be evaluated.

Application Evaluation

All eligible applications shall be evaluated according to the attached criteria and as outlined in the *Timber Administration Manual*. Each application will be given a score by the District Manager.

If one application receives a score that is 2% (of its score) higher than any other application, the applicant would usually be awarded the woodlot licence, subject to an administrative review period.

Admin. Review Period

The District Manager will not award a woodlot licence or declare a "tie" until a 30-day administrative review period has been concluded.

The purpose of an administrative review period is to allow any applicant to request and receive an explanation from the District Manager as to how the scoring of their application was determined before an award decision is made.

The 30-day administrative review period will not be extended.

'Tied' Scores

The District Manager will consider all applications with scores within 2% of the highest score to be "tied." If two or more applications are "tied," the District Manager will:

1- designate the "tied" applicant that scored the highest on the factor in the evaluation that was weighted the highest as the successful applicant; if two or more applications have an identical high score in this factor, the District Manager will

2- designate the applicant from #1 (above) that scored the highest on the factor in the evaluation that was weighted the second highest as the successful applicant; if two or more applications have an identical high score in this factor, the District Manager will

3- designate the applicant from #2 (above) that scored the highest on the factor in the evaluation that was weighted the third highest as the successful applicant; if two or more applications have an identical high score in this factor, the District Manager will

4- request bonus offers from the applicants that have identical scores from #3 (above).

Bonus Offers

Bonus offers will be requested by the District Manager of those applicants deemed to be equal as a result of the evaluation. The applicant tendering the largest bonus offer would be awarded the woodlot licence unless the Minister directs the District Manager to decline to approve all tenders.

Award

The successful applicant will be offered the woodlot licence.

The total scores of all applicants should be included in the letter to the successful applicant and to unsuccessful applicants. Details of the scoring of "private land" and "management intent" categories of the evaluation should be released to all applicants; only the total score for the "applicant" category should be released. This is consistent with recent advice from Information Management Group, Information and Privacy Section.

Issuance

The woodlot licence will be issued after a management plan and a forest development plan has been prepared and approved. The woodlot licence becomes effective on the day that both parties sign the agreement. Backdating or forward dating of documents is not appropriate.

Woodlot Licence Application Evaluation Criteria

Applications for woodlot licences are ranked by a process that evaluates three major categories: private land contribution; applicant qualifications; and, management intent. Each category is scored as detailed below. Each category contributes to the final score as stated in the advertising particulars for each woodlot licence.

The weighting for the categories can be varied (within specified limits) by the District Manager to address the specifics of any particular woodlot licence opportunity. District Managers are encouraged to discuss the assigned weightings in any particular competition with the local woodlot association.

The categories and their weighting ranges are:

Category	Range
Private land contribution	20% - 60%
Applicant	20% - 50%
Management intent	10% - 60%

A. Private Land Contribution

The purpose of this section is to quantify the amount, the character, and the location of the private land proposed by the applicant for inclusion in a woodlot licence. The net area of productive forest land is factored to recognize land productivity, timber types, and its proximity to the Crown land portion of the woodlot licence.

Only fee-simple land, owned by the applicant and included in the application, will be considered in this evaluation. This includes Crown land over which a "Letter of Commitment for Sale" has been issued by the Ministry of Environment, Lands and Parks, Lands Branch, and for which full payment has been received by MEL&P.

The following guidance should be considered when adjudicating the eligibility of private land for evaluation and inclusion in a woodlot licence:

1. In the case of an **individual applicant**, land must be owned in fee simple by that applicant, as verified by the applicant's submission of a copy of the State of Title certificate or an agreement for sale that has been registered on the State of Title certificate, with right to occupy. Although the *Forest Act* mentions leased private land, Forest Service policy only considers land owned in fee simple eligible to receive points in an evaluation.
2. In the case of more than one individual applicant (**family or partnership**), land must be owned in fee simple by one of the individuals applying for the woodlot licence. The conditions discussed in Point 1 (above) also apply.
3. In the case of a **corporation**, land must be owned in fee simple by the corporation. The conditions discussed in Point 1 (above) also apply.
4. In the case of an **Indian band** (as defined in the *Indian Act*), land must be owned in fee simple by the band or it must be reserve land that has been committed to long-term forest management by way of a band council resolution. The conditions discussed in Point 1 (above) apply to land owned in fee simple by the band.

5. In the case of land held in **joint tenancy**, it is desirable that all joint tenants be included as applicants (and ultimately, as licensees). Alternatively, the joint tenant(s) not included as an applicant will be required to transfer full rights to timber harvesting, forest resource management, and related activities to the joint tenant(s) applying for the woodlot licence. However, making such a declaration may act to sever the joint tenancy. Therefore, land owners should be advised strongly to seek independent legal counsel prior to making that decision.

Note: All legal arrangements regarding land ownership issues must be in place at the time of application in order that the land receive consideration in the evaluation process. It is neither appropriate nor legal to make an evaluation based on information not included in the application (*e.g.*, a promise to purchase land if successful in the evaluation).

a) Quantity of Land

Assign ½ point per hectare (or portion) of productive forest land, to a maximum of 100 points (*i.e.* do not consider cleared/cultivated land, pasture land, orchard land, etc.).

b) Productivity Factor

Use the relevant timber supply area definitions for site classes.

Site Class	Factor
Good	1.0
Medium	0.9
Poor	0.7
Low	0.5

Pro-rate for total private land contribution. For example, the productivity factor for a 90 ha contribution with 20 ha good site, 40 ha medium site, and 30 ha poor site would be:

$$(20/90 \cdot 1.0) + (40/90 \cdot 0.9) + (30/90 \cdot 0.7) = 0.8889$$

c) Growing Stock Factor

Stand description	Factor
Mature (TSA definition)	1.0
Advanced immature (avg. ht. >8 metres)	0.9
Free growing, immature (avg. ht. < 8 metres)	0.8
Stocked, not free growing	0.6
NSR, NCC	0.4

Pro-rate for total private land contribution using the same methodology as in b).

d) Proximity

This factor quantifies the straight-line distance between the Crown land portion and the private land(s) proposed for inclusion in the woodlot licence. The distance is "map distance" (straight line) and is to be taken "edge to edge", *i.e.*, the shortest distance between the closest boundaries.

Distance (km)	Factor	Distance (km)	Factor
0 - 1	1.0	40.1 - 50	0.5
1.1 - 10	0.9	50.1 - 60	0.4
10.1 - 20	0.8	60.1 - 70	0.3
20.1 - 30	0.7	70.1 - 80	0.2
30.1 - 40	0.6	80.1 +	0.1

Where there is more than one parcel of private land, a weighted average will be calculated and used. For example, for a 35 ha parcel that is located 22 km distant and a 60 ha parcel that is within 1 km, the factor would be:

$$\{35/(35 + 60)\} \cdot (0.7) + \{60/(35 + 60)\} \cdot (1.0) = 0.8895$$

Total Private Land Points = (a • b • c • d); Maximum = 100

e) Adjustment of Scores

Very few, if any, parcels of private land will receive the total possible 100 points. The parcel rating the highest must receive the 100-point maximum for the indicated weighting (normally 40%) to have its full impact on the final score. The scores for the remaining private land contributions are proportionately increased, so that all private land contributions are rated against each other rather than against the stated maximum.

Use the formula: $S = (R/M) \cdot 100$ to adjust the scores, where:

S = the final calculated score for a land contribution
R = the "raw" score earned by a land contribution
M = the highest "raw" score earned by a land contribution

B. Applicant

The purpose of this section is to rate the applicant's ability to manage a specific woodlot licence. The rating assesses forestry-related experience, education and training, and the ease of which the applicant will be able to access the woodlot licence from the applicant's primary residence.

For the purpose of the evaluation, "applicant" is defined as:

Individual: The individual applying for the woodlot licence is the applicant. More than one individual may apply (*i.e.*, a partnership or a family), but only two individuals will be rated in the evaluation.

Where unrelated individuals submit a joint application, each individual will be scored separately in this section and the final score will be a sum of the individual scores that have been pro-rated relative to the amount of land that each contributes. For example, the score for individual "A" (25 ha; a + b + c = 80 points) and individual "B" (75 ha; a + b + c = 20 points) would be:

$$80 \cdot \{25/(25 + 75)\} + 20 \cdot \{75/(25 + 75)\} = 35 \text{ points}$$

However, where related individuals submit a joint application, the scores for different experience and education will be added together for a total "family score." For example, two family members, each completing the first year of a forestry degree program, will receive credit for one year of education. Two family members, one with forest management experience and the other with logging experience, would receive credit for both types of experience.

Corporation: The principle shareholders of the corporation, who will be managing the woodlot licence, will be evaluated as the applicant. No more than two principle shareholders will be rated in the evaluation, with the final score being the sum of their individual scores after they have been pro-rated by the number of shares held in the corporation.

Indian Band: The principle band members, who will be managing the woodlot licence, will be evaluated as the applicant. No more than two band members will be rated in the evaluation.

Note: Consultants and contractors that may be engaged from time to time or on a permanent basis will not be considered in the evaluation.

a) Experience and Community Involvement (40 points)

A detailed resume, including records of employment and letters of reference, is required. If resume not included, or if the references cannot be contacted, award "0" points.

Add 1 point for each full year of experience or community involvement for the first two years and ½ point for each full year thereafter, to a four point maximum for each sub-category. Pro-rate the points earned for durations less than two years or one year, as applicable. The maximum points that may be gained in any one category is eight. Supervision of any of the activities counts as "hands on" time.

Category	Sub-Category
Management	planning, private forest land management, contract management, preparation of FDPs, MPs, LPs, SPs, SMPs, etc.
Harvesting	falling & bucking, skidding, hauling, scaling, cruising, block layout, road layout and construction, etc.
Silviculture	surveys, site preparation, planting, pesticide operations, thinning, spacing, conifer release, fertilization, pruning, brushing and weeding, etc.
Other Experience	business management, recreation, forest fire fighting, forest research, hydrology, range, fish & wildlife, forestry education, etc.
Community Involvement	active involvement in community associations, service clubs, water boards, planning boards, school boards, elected official to local or other government, etc.

b) Education and Training (20 points)

Includes university, technical school, specialty courses, etc. Courses and training of a general nature but related to woodlot licence management may be considered at the discretion of the District Manager. Documentation is required; "0" points will be awarded if documentation is not included.

Add four points for each full year of formal forestry or related education, training, or courses to a maximum of 20 points. Some benchmarks to consider are:

RPF (including pupil program graduates)	20 points
BSF (or equivalent graduation)	16 points
technical institution graduation	8 points

c) Proximity of Residence (40 points)

The time in minutes to travel one-way between the applicant's primary residence and the Crown and private portions of the woodlot licence is determined and used to calculate a point score. The travel time is determined on the basis of using existing roads at posted speed limits in a two-wheel drive vehicle under "optimum" conditions.

Travel time is pro-rated on the basis of land area. For example, where the travel time to 200 ha of private land is 30 minutes and to 600 ha of Crown land is 60 minutes, the travel time to be scored is:

$$\{(200 \cdot 30) + (600 \cdot 60)\} / (200 + 600) = 52.5 \text{ minutes}$$

The maximum score of 40 points is gained where there is no travel time; no points are awarded once the travel time exceeds 90 minutes. The score is calculated with the polynomial equation:

$$\text{Score} = \{40 - (0.864 \cdot \text{minutes})\} + \{0.00468 \cdot (\text{minutes})^2\}$$

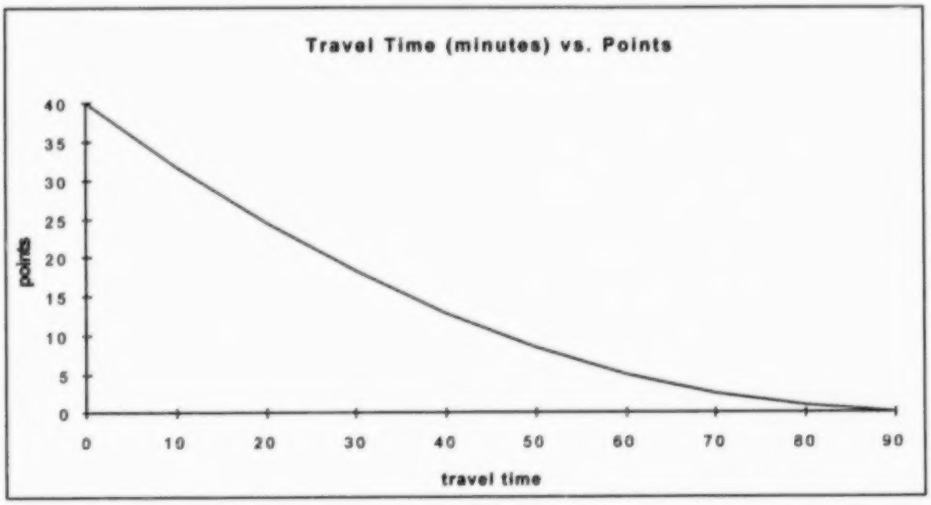
For the preceding example, the score would be:

$$\{40 - (0.864 \cdot 52.5)\} + \{0.00468 \cdot (52.5)^2\} = 7.5393$$

The relationship can be displayed graphically (Figure 1).

Note: The *Forest Act* requires that the evaluation considers the location of the residence of each of the members of a corporation. To do this, determine a "weighted average" position as a representative location of residence for the members and use that location to determine travel time to the woodlot licence.

Figure 1.- Relationship between travel time between applicant residence and the woodlot licence area and points scored in the evaluation.



Total Applicant Suitability Points = (a + b + c); Maximum = 100

d) Adjustment of Scores

Very few, if any, applicants will receive the total possible 100 points. The applicant rating the highest must receive the 100-point maximum for the indicated weighting (normally 35%) to have its full impact on the final score. The scores for the remaining applicants are proportionately increased, so that all applicants are rated against each other rather than against the stated maximum.

Use the formula: $S = (R/M) \cdot 100$ to adjust the scores, where:

S = the final calculated score for an applicant
R = the "raw" score earned by an applicant
M = the highest "raw" score earned by an applicant

C. Management Intent

The purpose of this section is to determine the applicant's understanding of the differences between basic and incremental (enhanced) forestry practices and to demonstrate the applicant's understanding of the practical application of those practices to the woodlot licence area (Crown land, as advertised, and private land, as proposed for inclusion by the applicant).

The applicant's future "vision" of the woodlot licence and the methods proposed to attain that vision over a set timeframe should form a significant portion of this discussion and its evaluation. The discussion should follow the sample table of contents in the *Application for a Woodlot Licence (FS 991).* Fulfilment of basic forest management responsibilities that are required by legislation should not be discussed and will not receive any score. The applicant's responses will be evaluated on the basis of how the applicant proposes to manage the many and varied resources and opportunities arising from the woodlot licence.

The distribution of points within each section must be dependent upon the site conditions of the woodlot licence opportunity and any private land that is proposed for inclusion and must be determined prior to opening the applications. A suggested points distribution is included but may be varied at the discretion of the District Manager.

Note: The distribution of points in this category must be indicated on the sample table of contents in the *Application for a Woodlot Licence (FS 991).*

Note: The successful applicant's statements in this section must be incorporated into the approved management plan and any related plans, prescriptions, etc.

a) **Private Land Management History** (suggested 25 points)

review private land proposed for inclusion in woodlot licence and award points for:

management plan in place	3 points
management plan being followed	2 points
sustainable rate of harvest	1 point
all satisfactorily stocked	2 points
all free growing	2 points
acceptable age class balance	3 points
IRM practices followed	2 points
duration of management by the applicant	1 point for each full year, to a 10 point maximum

b) **Management Objectives** (suggested 10 points)

consider in relation to district/region/provincial goals, biological and economic soundness (2 points for each)

c) **Improvement Methods** (suggested 15 points)

consider appropriateness, practicality, effect upon AAC (5 points each)

d) **Resource Inventories** (suggested 10 points)

consider type(s) and appropriateness (5 points each)

e) **Integrated Resource Management** (suggested 15 points)

consider issues addressed relative to the woodlot licence area and the degree to which they are addressed relative to district standards and expectations (issue identification - 5 points; IRM proposal/plan - 10 points)

f) **Social & Community Concerns** (suggested 15 points)

consider how local concerns such as watersheds, established trails and recreational opportunities, viewscapes, etc. are addressed in terms of methodology and practicality (issue / opportunity identification - 5 points; proposal/plan - 10 points)

g) Management Opportunities (suggested 10 points)

consider the applicant's quantification of anticipated challenges and proposed strategies for addressing them (*e.g.* insects and diseases, community expectations, markets for products, maintaining biodiversity, etc.) (opportunity identification - 5 points; proposal/plan - 10 points)

Total Management Intent Points = (a + b + c + d + e + f + g); Maximum = 100

h) Adjustment of Scores

Very few, if any, applicants will receive the total possible 100 points in this section. The applicant rating the highest must receive the 100-point maximum for the indicated weighting (normally 25%) to have its full impact on the final score. The scores for the remaining applicants are proportionately increased, so that all applicants are rated against each other rather than against the stated maximum.

Use the formula: $S = (R/M) \cdot 100$ to adjust the scores, where:

S = the final calculated score for an applicant
R = the "raw" score earned by an applicant
M = the highest "raw" score earned by an applicant

Total Evaluation Score = Private Land Contribution * Weighting %
+ Applicant * Weighting %
+ Management Intent * Weighting %

WOODLOT LICENCE APPLICATION EVALUATION SUMMARY SHEET

APPLICANT	PRIVATE LAND (%)							APPLICANT (%)						MANAGEMENT INTENT (%)										TOTAL	COMMENTS
	NET AREA	PRODUCTIVITY FACTOR	GROWING STOCK FACTOR	PROXIMITY FACTOR	RAW SCORE	ADJUSTED SCORE	CATEGORY SCORE	EXPERIENCE / COMMUNITY	EDUCATION AND TRAINING	PROXIMITY	RAW SCORE	ADJUSTED SCORE	CATEGORY SCORE	PRIVATE LAND MGMT.	MGMT. OBJECTIVES	IMPROVEMENT METHODS	RESOURCE INVENTORIES	INTEGRATED RES. MGMT.	SOCIAL AND COMMUNITY	MGMT. OPPORTUNITIES	RAW SCORE	ADJUSTED SCORE	CATEGORY SCORE		
1	×	×	×	=	>	>	☐	+	+	-	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
2	×	×	×	-	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
3	×	×	×	-	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
4	×	×	×	=	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
5	×	×	×	=	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
6	×	×	×	=	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
7	×	×	×		>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
8	×	×	×	=	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
9	×	×	×	=	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	=	>	>	☐		
10	×	×	×	=	>	>	☐	+	+	=	>	>	☐	+	+	+	+	+	+	-	>	>	☐		

Ministry of Forests ***POLICY MANUAL***	**Subject**:	Woodlot Licence Program - Replacement	**No**:	**8.10**
	Branch:	Resource Tenures & Eng. Branch	**Effective**:	01-Oct-93
	Signature:	Philip G. Halkett, 10-Aug-93	**Updated:**	15-Oct-97

Scope

This policy guides the replacement of woodlot licences in the Woodlot Licence Program (*Forest Act*, s. 46). It applies to all woodlot licences.

Policy

It is the policy of this Ministry that, where replacement of a woodlot licence is requested, and that woodlot licence is replaceable:

- the District Manager will conduct a review of the licensee's performance prior to his making a replacement offer
- the terms and conditions of the replacement offer made by the District Manager will reflect the findings of the review

No Replacement

An offer to replace a woodlot licence will not be made where that licence has no provision for replacement.

Performance Review

A performance review of a woodlot licence will include:

- office review of compliance with management plan, licence and permit conditions, pre-harvest silviculture prescriptions, cut control, and financial and administrative requirements of the woodlot licence
- field review of forest practices and compliance with management plan, licence and permit conditions, and pre-harvest silviculture prescriptions

The licensee or a representative should accompany Ministry staff during the field review. A specific field review may not be necessary if performance can be judged adequately from ongoing monitoring and inspections.

The results of the review should be discussed with the licensee before they are incorporated into the replacement offer.

Term

The term of the replacement licence will commence on the fifth anniversary of the existing licence and be for a term equal to the whole original term of the existing licence.

Licence Area

The licence area of the replacement woodlot licence will describe the same area as the existing woodlot licence.

Timeline

The timeline for the replacement process is outlined in Section 46 of the *Forest Act* and must be followed.

References

- *Forest Act*, s. 46
- *Licence Document*
- *Ministry of Forests Act*, s.4
- *Timber Administration Manual*

General Procedures

Office Review

Review compliance with management plan:

- general forest management principles
- specific commitments

Review compliance with licence and permit conditions:

- general conditions
- licence and permit specific conditions
- title on private land confirmed

Review compliance with pre-harvest silviculture prescriptions:

- up-to-date on all blocks
- obligations fulfilled

Review cut control compliance:

- current 5-year cut within 90% and 110% of 5 times AAC
- overcut carry forward (if any) included in any subsequent 5-year period

Review compliance with general administrative requirements:

- reports and applications submitted in a timely manner
- no outstanding government accounts

Review financial obligations:

- Scale and Royalty accounts
- other government accounts

Field Review

Conduct field review of operations, if ongoing monitoring and inspections are inadequate to judge performance:

- field operations in compliance with the plans, licences, permits, and prescriptions
- general level of field practices

Review of Findings

Discuss the findings of the office and field review with the licensee before developing a replacement offer.

inistry of Forests
POLICY MANUAL

Subject: Firewood Cutting: Free Use Permit
Branch: Resource Tenures & Eng. Branch
Signature: Philip G. Halkett, 10-Aug-93

No: **8.11**
Effective: 01-Oct-93
Updated: 15-Oct-97

Scope

This policy defines the broad framework governing the authorization of firewood cutting for personal use on Crown land (*Forest Act*, s. 48).

Policy

It is the policy of this Ministry to:

- recognize the public demand for firewood as an alternate source of heating energy
- encourage people to recover logging residue, non-commercial timber, and damaged or dead timber for firewood
- direct firewood cutting activity into areas of Crown land that require rehabilitation measures following primary logging operations
- refer people to small sawmills for permission to collect slabs and edgings

Firewood Areas

The District Manager may identify and designate areas suitable for firewood cutting either within logged areas of existing harvesting authority, with the licensee's prior consent, or on areas of Crown land that require a clearance in order to issue a cutting authority.

Free Use Permit

The District Manager will issue free use permits to persons eligible to cut firewood for their own use, to a maximum volume of $50m^3$ (*Forest Act*, s. 49).

The free use permit must be carried by the permittee while cutting and transporting firewood from the area.

Wildlife Trees

The District Manager will explain the wildlife tree concept and ask that the applicant not cut or remove any trees that have been posted with wildlife tree signs.

References

- *Forest Act*, s. 48, 49, and others
- *Free Use Permit Document*
- *Ministry of Forests Act*, s. 4
- *Timber Administration Manual*

General Procedures

Firewood Areas

Firewood collection areas should be established on maps and records after it is clear that no conflicts exist with other forest users.

Firewood collection areas should be posted with signs indicating that the areas are available for firewood cutting and that permits are to be obtained from the District Manager.

Firewood collection areas should be inspected regularly to determine the amount of usable firewood remaining and new areas should be located when the remaining amount is very small.

Firewood collection areas may be rendered temporarily inaccessible because of spring breakup, fire hazard, snow, etc.

Wildlife Trees

Firewood collection areas should be inspected for the presence of wildlife trees. Any trees with a potential to serve as wildlife trees should be posted with the conspicuous yellow diamond sign.

A copy of the brochure *Firewood - or Wildlife Tree* should be given to each recipient of a free use permit for the collection of firewood.

Ministry of Forests
POLICY MANUAL

Subject: Yew Bark Harvesting and Collection - Special Forest Products
Branch: Resource Tenures & Eng. Branch
Signature: Philip G. Halkett, 10-Aug-93

No: **8.12**
Effective: 01-Oct-93
Updated: 15-Oct-97

Scope

This policy defines the broad framework governing the harvesting and collection of bark from western yew.

Policy

It is the policy of this Ministry to support and promote the orderly harvesting of bark from western yew, to provide a source of the drug *taxol* (*Special Forest Products Regulation).*

Sustainability

The harvesting of yew bark will be planned to facilitate the long term survival of western yew and to maintain its genetic diversity.

Harvesting

The harvesting of yew bark will be governed by procedures outlined in the *Timber Administration Manual* and the attached procedures (*Forest Act*, s.48, 49). In general, harvesting of yew bark may take place:

- in areas approved for harvesting under an existing agreement, with the consent of the agreement holder
- in areas that will be imminently approved for harvesting under an agreement, with a free use permit issued by the District Manager
- in areas reserved from conventional harvesting, with a free use permit issued by the District Manager that will authorize the harvest of yew bark but require a minimum number of stems to be left in a range of age and size classes
- in young stands, with a free use permit issued by the District Manager that will authorize the harvest of yew bark but require a minimum number of stems to be left

The harvesting of western yew needles is administered in the same manner. Needles may be harvested from 50% of the western yew trees by diameter class in a clump, and no more than 50% of the foliage may be harvested from any one tree.

Payments

There is no requirement that harvesters or collectors of yew bark or needles make payments to the Crown for those products. However, if yew logs are removed, the logs must be scaled and stumpage will be charged as indicated in the *Appraisal Manual*.

References

- *Forest Act*, s. 48, 49
- *Free Use Permit*
- *Guidelines for the Management of Western Yew in British Columbia*
- *Licence Documents*
- *Ministry of Forests Act*, s.4
- *Special Forest Products Regulation*

General Procedures

Authorization

Yew bark harvesters and collectors must obtain written permission from the holder of a harvesting authority to conduct a yew bark harvesting operation.

The letter of authorization will include:

- a precise description and map of the collection area
- other details as deemed appropriate by either party (special conditions, etc.)

A copy of the letter of authorization must be sent to the appropriate District Manager.

The District Manager may issue a free use permit, under Section 48(1)(d) of the *Forest Act*, to authorize collection of western yew bark and needles from areas of vacant Crown land. A sketch map, describing the collection area, must be included with the free use permit.

The collector must have the letter of authorization or the free use permit readily available for inspection by a Forest Officer or a member of the RCMP.

Species Protection

All stumps will be left 25 cm above ground level. No bark will be removed from the stump. Damage to the bark below the cut may reduce the ability of the stump to resprout.

Shipping

A modified *load destination notice* will accompany all shipments of yew bark. A copy should be given to the person authorizing the harvest.

Records

A *Western Yew Bark Register* will be maintained by collectors (buyers and/or wholesalers) and submitted annually, no later than December 31 of the collection year, to the Regional Manager to report on:

- harvesting area (licence, cutting permit, block)
- number of trees utilized in each area
- weight of bark harvested (specify dry or wet weight)

Inspections

Informal inspections should be implemented to ensure that operations are progressing in an appropriate manner, that fire hazard from slash is minimized, and that measures are being taken to encourage sustainability of western yew.

ALL REGIONAL MANAGERS W.C. Cheston

Vancouver
Prince Rupert
Prince George
Kamloops
Cariboo
Nelson

July 10, 1991

800-7-2-3 Yew Bark

Re: Harvest of Yew and Yew Bark

Recently, the harvest of yew bark as a raw material for taxol production has become a pressing issue in some areas of the province.

The Vancouver Forest Region has developed the attached information package which outlines procedures to be followed when harvesting yew and yew bark. Until a policy is developed by Timber Harvesting Branch, these procedures will govern the harvesting of yew and yew bark throughout the province.

Please ensure that your district managers are aware of and follow these procedures. A diskette version of the information package can be requested from Timber Harvesting Branch.

Any questions or comments should be directed to Russ Cozens at 387-8308.

"Original Signed"

W.C. Cheston

Assistant Deputy Minister

Operations

Attachment

!RDC: ch 7115k Pg. 62

NOTICE TO HARVESTERS AND COLLECTORS OF YEW BARK

Forest Harvesting - General

The harvest of trees or other forest vegetation without proper authority is illegal and may result in theft charges under the Criminal Code or trespass charges under the *Forest Act* or both. Authority for harvesting on private land may be obtained from the landowner through his written permission or on Crown land from the Ministry of Forests. Where a harvesting authority on the Crown land has already been obtained by another party, an extension of that authority may be passed from that person to another. Such is the case where a timber sale cutting permit has been issued and the licensee has authorized a second party to harvest the timber. If timber is removed from the harvest area, the *Forest Act* requires that the timber be marked in the approved manner. If there is any doubt about requirements, you should contact the appropriate office of the Ministry of Forests for guidance.

Pacific Yew - Introduction

Pacific or western yew (*Taxus brevifolia*) occurs sparsely, as an understory, in coniferous forests of British Columbia. In coastal forests, it often reaches tree size and form. It has not been recognized by the Ministry of Forests as a commercial tree species until recently. Yew has not been identified in provincial forest inventories. To assist in efforts to collect bark, recent amendments to the *Cruising Manual* will encourage the collection of information regarding yew occurrence in future timber cruises. At present, such information must be obtained from people possessing local field knowledge. Recently, considerable attention has been directed toward pacific yew as a good source for a drug called Taxol which has proven to be useful in the treatment of some cancers; notably ovarian cancer.

Harvest of Yew for Taxol Production

In an effort to satisfy the demand for yew as a raw material for taxol production, the Ministry of Forests will encourage utilization of pacific yew (both wood and bark) from all areas which have been authorized for timber harvesting. To ensure that this species is not overexploited and will continue to exist in future forests, certain additional conditions of harvest, as outlined below, must prevail.

Harvesting Direction

Until further information and direction is received, all stumps must be left at least fifteen (15) centimeters (six inches) in height above the ground and no bark is to be removed from the stump. Additionally, no injury must be done to small sprouts or branches growing from the stump. This is to help ensure that a new tree will grow from the stump for the next forest.

Yew harvesting in the Vancouver Forest Region will be approached in a similar manner to salvage, as with cedar shake or shingle material (post logging) or as in a poling operation (before primary harvest begins). In any event, it will take place as part of a conventional harvesting operation. As previously stated under *Forest Harvesting - General*, it will be necessary for second parties to secure written permission (see *Appendix A*) from the licence holder to conduct a yew harvesting operation. This written permission must define the explicit area (shown on an attached map) of operation where the harvest is authorized (timber sale licence, tree farm licence, or forest licence, etc. plus cutting permit and cut block, as appropriate) and incorporate any specific instructions required by both the District Manager and licensee. A copy of the letter of authorization shall be sent to the appropriate District Manager. All parties must ensure that the harvesting authority (timber sale licence or cutting permit) is valid and the necessary harvesting approvals (logging or cutting plan approval) have been given by the Forest Service (District Manager) before operations proceed. To avoid disputes, copies of the written permission from the licensee should be readily available for viewing by proper authorities (Forest Service or RCMP) while harvesting or transporting yew.

Shipping Yew Bark or Wood

To avoid costly repercussions, the use of a modified *Load Destination Notice* which is currently used for the transport of special forest products from the harvest site to the mill yard (see attached facsimile, *Appendix B*) is required. A copy of the shipping notice should be given to the person authorizing the harvest. This document, together with the above mentioned letter of authorization from the licensee will attest to the legitimacy of the operation and will be useful if the operator is checked by the proper authorities.

Records

Tracking the harvest of yew is thought to be important, as indicated by experiences in the Pacific Northwest States (USA). As an adaptation of the requirements of the discontinued *Cascara Bark Regulation*, it will be necessary for both harvesters and collectors (wholesalers) to keep records which will be made available to representatives of the Ministry of Forests, as necessary. A *Pacific Yew Bark Register* (see *Appendix C*) will be kept by the collectors (buyers or wholesalers) and will be submitted annually to the Regional Manager to document the locale and extent of harvest.

Currently, there is no requirement for harvesters or collectors to obtain permits nor is there any royalty or stumpage payable for yew bark (scale returns for yew logs may require the payment of stumpage, as indicated in the *Appraisal Manual*); however, it is important that the level of harvest be recorded, particularly if a continuing supply of taxol is to be maintained.

Summary

To reiterate the foregoing:

1) Harvesting timber or forest products without proper authority is illegal. Proper authority is obtained form the Ministry of Forests under the *Forest Act* but may be expended as with a contractor to someone possessing the proper authority. Even with the proper authority (licence), harvesting does not commence until the Ministry of Forests issues logging or cutting plan approvals. Any person intending to harvest yew bark must first obtain proper authority through a letter of authorization form the party holding a valid harvesting licence.

2) A letter of authorization from the licence holder or recognized agent will constitute an extension of harvesting authority to a second party. This authorization must be used only by the party to whom it was issued—it is not transferable and is only valid for a finite (short) time period.

3) The following harvesting requirements must be employed:
   - stump height shall be fifteen (15) centimeters (6 inches) or greater; and
   - buds and branches emanating from the stump shall be left undamaged.

4) It is the duty of the harvester and purchaser (collector) to maintain records of the harvesting activity. These records should be available to Ministry of Forests staff at mutually convenient times and will be submitted as an annual report to the Regional Manager at the end of each calendar year by the collector. The report will show the level and location of activity for the year by reporting the number of trees utilized from each area as defined by licence number, cutting permit number, and cut block number, as appropriate. Any yew logs utilized will also be scaled in accordance with the *Scaling Regulation* and reported in the same manner as any other commercial timber.

5) Further direction or guidance may be obtained from the nearest office of the Ministry of Forests, preferably the office of the District Manager in the area of the harvesting operation.

Regional Manager
Vancouver Forest Region
4595 Canada Way
Burnaby, British Columbia
V5G 4L9

Telephone: (604) 660 - 7595

Appendix A

Letter of Authorization - Pacific Yew

Date:____________________

To Whom It May Concern:
As a designated agent of ____
(licensee name)
I hereby authorize ____

____
(name and address of person)
representing ____

____
(self or company name and address)
to harvest pacific yew ____
(bark, wood or bark and wood)

from the following areas which are currently approved by the Ministry of Forests for harvesting operations:

Tenure (Licence No.)	Cutting Permit No.	Cut Block No.

This authorization is only valid for the above noted areas. Operations on any other areas is illegal and may result in charges being assessed. All harvesting is subject to the requirements of the *Forest Act* and all of the conditions of the above noted tenures. All shipments must be accompanied by a *Shipping Notice* which will serve the same purpose as load destination notices for minor forest products.

This authorization is valid for the following (time) period:
______________________________, is not transferable to another person, and may be revoked at any time. Unauthorized operations may result in charges being assessed by the Ministry of Forests.

Signed:______________________
(Name)
____
(Position)
____
(Company)

Appendix B

Shipping Notice - Pacific Yew

This form is to be carried with the shipment and must be left with the buyer at destination as a permanent record.

Date of Shipment ____________________

Delivered From ____________________ ____________________
Forest District Forest Region

Producer ____________________
____
____
____
(Name and Address)

Authorized by ____________________
(Company Name(s))

(Licensee)
____
____
*(Name of Company Representative)

____
(Signature of Company Representative)

Locale(s) of origin (Licence No., CP No., Cut Block No.) - List	No. of Trees Harvested	Approximate Weight of Bark (wet) - kg

............continued next page

Weight of Bark____________________(kg) ________ Wet weight or
(according to payment) ________ Dry Weight

Delivered to ____
(Buyer or Collector's Name)

Location ____
____
____
____
(Address)

*Company representative to retain a copy of this completed shipping notice.

Appendix C
Pacific Yew Bark Register*

For: ______________________________

____

____

____

(Collectors Name and Address and Signature)

Collectors or buyers record of purchases for the calendar year ended December 31, 19______.

Date of Purchases	Names and Address of Sellers	Weight of Bark Purchased (kg wet or dry)	Source (Location) of Bark Harvest (Licence No., CP No., Cutblock No.)	Name and Address of Person Issuing Authorization to Harvest

*Note - A photocopy of this record shall be submitted annually by the wholesaler or buyer to the Regional Manager as an annual report.

Ministry of Forests
POLICY MANUAL

Subject: Cruise-Based Sales
Branch: Resource Tenures & Eng. Branch
Signature: Gerry R. Armstrong

No: **8.16**
Effective: 01-Jan-95
Updated: 15-Oct-97

Scope

This policy applies where timber is sold and billed based on only timber cruise information. Cruise based sales are authorized by Section 106 ("cruise instead of scale") of the *Forest Act*.

It is the intent of this policy to permit cruise based sales with appropriate restrictions to minimize the risk of loss of revenue.

Timber cruising in the province is designed for scale based sales but can be sufficiently accurate for cruise based sales in certain situations. The potential sources of inaccuracy are the loss factors, taper equations, grade/quality, and area determination.

Policy

Cruise based sales will only be approved when the Regional Manager, or delegated District Manager, is satisfied that:

- the loss factors, taper equations, and grade/quality standards proposed for use are appropriate; and that
- utilization will be improved (compared to scale based sales); or,
- administration will be simplified

Restrictions

Before timber is sold as a cruise based sale:

- the timber must be cruised, the area determined by closed traverse, and the cutting boundaries and leave trees marked in the field; and,
- the cruise and compilation of the timber must be checked

Definitions

Cruise based sale: A cutting permit, timber sale licence, or other cutting authority that provides for Crown timber to be sold and billed using the provisions of Section 106 of the *Forest Act.*

Loss factors: Estimates of decay, waste, and breakage that are used to reduce the gross volume determined by a timber cruise to estimate the net volume.

Taper Equations: A mathematical representation of the shape of the tree, which is used to calculate tree volume.

Responsibilities

Director, Timber Harvesting Branch

- to maintain policies and general procedures for the use of cruise based sales

Director, Valuation Branch

- to determine an acceptable standard of precision for timber cruises, cruise compilations, area determination, and loss factors, and to set minimum standards for determining local loss factors. This will minimize the risk of lost revenue for cruise based sales

References

- *Forest Act*, s. 106
- *Advertising, Deposits and Disposition Regulation*
- *Ministry of Forests, Cruising Manual*
- *Cruise Compilation Change Specifications, Detailed Requirements and Design Manual*
- *Ministry of Forests, Interior Appraisal Manual*
- *Ministry of Forests, Coast Appraisal Manual*

General Procedures

1.0 Application

1.1 Major licensees or Woodlot licensees may request a cruise based sale by applying to the District Manager. The request must:

- specify the reasons for a cruise based cutting permit
- provide a cruise plan as outlined in the *Cruising Manual*. The plan will outline the process to achieve the design criteria in the *Cruising Manual*. The plan will also specify the cruiser, their experience, and the compiling agency. Any subsequent departure from this plan must be approved by the District Manager; and,
- provide evidence that the sale area is limited to stands with low loss factors. The average loss factors for the sale are not to exceed 12%. Stands which may meet this criteria are: older immature stands less than 121 years, southern interior Douglas Fir, spruce and lodgepole pine with low proportions of risk group 3 (dead or conk trees).
- provide evidence that the loss factors are accurate for the locality

The request may propose:

- in stands with higher loss factors, a loss factor study, conducted at the licensees expense using Inventory Branch methodology, to derive new local tables for use in the locality
- alternate cruising methods for cruising problem areas such as decadent timber, small blocks, and partial cutting. The method will be fully developed, tested, and auditable to the satisfaction of the Regional Manager and the Director, Valuation Branch.

1.2 If the District Manager is satisfied with the request, the application may be approved.

1.3 For the SBFEP, the District Manager may proceed with a cruise based sale, if the conditions in 1.1 are met.

2.0 Field Work

2.1 The District Manager will:

- determine whether the loss factors and taper equations are suitable for sale on the basis of the cruise
- check cruise the sale area. Checking will include the cruise plan, some of the plots, the traverse notes, some traverse sections, and the final timber typing as specified in the *Cruising Manual* and the *Regional Cruising Guidelines*.
- check the traverse for accuracy and ensure that it is clearly marked on the ground. Some of the courses shall be retraversed to ensure that the traverse meets the tolerances in the *Cruising Manual*. Five percent of the sales shall be retraversed.

- check the compilation. Ensure that the cruise is compiled to the standards in the *Cruising Manual, the Cruise Compilation Design Manual* and the appropriate *Appraisal Manual*. Every compilation shall be checked and 5% of the compilations shall be recompiled. Selection shall be based on risk assessment.

3.0 Cruise Based Sale Document

3.1 Under a cruise-based sale, all loads will be conspicuously marked with CB preceding the timber mark.

3.2 The cutting permit, timber sale licence, or other cutting authority **will** include clauses which:

- restrict the harvest of boundary trees; and,

- state that areas felled shall be considered as volume cut for billing purposes. Billed volume is based on the area and the cruise net volume per hectare for the cutting permit. Monthly billing reports will be submitted, not later than the 7th of each month, by the licensee.

3.3 At the discretion of the District Manager, the cutting permit, timber sale licence, or other cutting authority **may** contain clauses which require scaling, a residue survey, or a security deposit equal to half of the estimated stumpage.

4.0 Sales Under the SBFEP

4.1 For these sales:

- the advertisement shall include the statement that the timber sale licence is a cruise based sale and stumpage is payable monthly and will be determined on the basis of all of the timber in the timber cruise, not the scale of logs; and,

- the District Manager shall cruise and compile the sale to the standards specified in the *Cruising* and *Appraisal* manuals; and,

- the District Manager may include clauses which require scaling, a residue survey, and a security deposit equal to half of the estimated stumpage; and,

- the Timber Sale particulars shall include a special notice explaining cruise based sales

5.0 Logging Plan

5.1 The District Manager will ensure that:

- partial cutting is not utilized unless the leave trees or cut trees are clearly marked before cruising

- amendments are not authorized unless the area is traversed, cruised, and compiled

- timber from a cruise based sale is not mixed with adjacent scale based timber

- timber marking control procedures are specified where cruise and scale based timber is hauled on the same road

6.0 Inspections

6.1 For competitive sales under the SBFEP, at the pre-work meeting, all procedures and reporting requirements for the cruise based sale will be explained to the licensee.

6.2 At each field inspection, the Forest Service will check and compare the area harvested with the cruise based monthly billing report. The Forest Service will measure the area if discrepancies are suspected and the billing will be adjusted on the basis of the measurement.

6.3 Each cruise based sale will be inspected at the completion of harvesting; and:

- boundaries checked and trespass billings issued if reserved boundary trees or trees outside of the boundary have been harvested; and,
- a final billing sent to the licensee for trees which should have been harvested, and/or for any cruise volume not previously billed, even if the harvesting operations have been completed and the cruise underestimated the actual volume

Ministry of Forests
POLICY MANUAL

Subject: Woodlot Licence Program - Minor Revisions to Boundaries
Branch: Resource Tenures & Eng. Branch
Signature: Gerry R. Armstrong

No: **8.17**
Effective: 31-Oct-94
Updated: 15-Oct-97

Scope

This policy establishes the overall framework for the minor revision of Crown land boundaries of woodlot licences.

Policy

It is the policy of this Ministry that the District Manager may make minor revisions to the Crown land boundaries of an existing woodlot licence at the time of its replacement, subject to the regulation.

Better Management

Minor revisions to the boundaries of the Crown land portion of woodlot licences may be considered only when the revision will result in improved forest resource management in the woodlot licence, the surrounding management unit, or both.

Maximum Area Increase

If the boundary revision results in a net increase in the Crown land area, that increase shall not be more than 10% of the original Crown land area of the woodlot licence.

Request

For revisions initiated by the licensee, the licensee must request, in writing to the District Manager, to revise Crown land boundaries of the existing woodlot licence.

Consent

For revisions initiated by the District Manager, the District Manager must obtain the consent of the licensee, in writing, to revise Crown land boundaries of the existing woodlot licence.

Referrals

The proposed revisions must be referred to the appropriate resource agencies, licenced resource users, and aboriginal people for their input.

Management Plan

The licensee must submit a revised management plan to the District Manager that includes the revised licence area. Additional inventory information will be required to determine a revised allowable annual cut.

AAC Source

Where boundary revisions result in increased area of Crown land and a corresponding increase in Crown allowable annual cut (AAC), the source of the additional AAC shall be, in order of priority:

1- woodlot licence apportionment
2- Forest Service Reserve apportionment
3- SBFEP Category 1 apportionment

References

- *Ministry of Forests Act*, s. 4
- *Forest Act*, s. 1, 44, 45, 46, and others
- *Woodlot Licence Area Regulation*
- *Timber Administration Manual*

Ministry of Forests
POLICY MANUAL

Subject: Woodlot Licence Program - Increase of Crown Land Area
Branch: Resource Tenures and Eng. Branch
Signature: Gerry R. Armstrong

No: 8.18
Effective: 01-May-95
Updated: 15-Oct-97

Scope

This policy establishes the overall framework to increase the area of Crown land in existing woodlot licences.

Policy

It is the policy of this Ministry that the District Manager may authorize, subject to the regulation, increases to the area of Crown land in an existing woodlot licence at the time of its replacement.

Better Management

Increases in the area of the Crown land portion of a woodlot licence may be considered only when the increase will result in improved forest resource management in the woodlot licence, the surrounding management unit, or both.

Excellent Management

Increases in the area of the Crown land portion of a woodlot licence may be considered only when the licensee has demonstrated excellence in forest resource management on the existing woodlot licence by:

- conducting harvesting operations according to approved cutting permits and with no unauthorized cutting
- being current with all basic silviculture responsibilities
- completing and submitting reports and plans
- meeting all contractual and legislated time requirements
- maintaining the harvest during 5-year cut control periods within 90% and 110% of the total of the allowable annual cuts (AAC) during those periods, unless otherwise approved in writing by the District Manager or the Regional Manager
- completing and maintaining intensive forest, range, recreation, fisheries, and wildlife inventories on Crown and any private land portions of the existing woodlot licence as detailed in the approved management plan
- meeting and maintaining all commitments in approved management plans for the existing woodlot licence

- conducting and completing forest, range, recreation, fisheries, and wildlife enhancement and improvement projects on Crown and any private land portions of the existing woodlot licence, where such opportunities exist and they are detailed in the approved management plan
- completing any other legislated, contractual, or other requirements in the approved management plan as the District Manager or the Regional Manager deems appropriate
- promoting and demonstrating educational uses of woodlot licences, according to the approved management plan

All of the above elements of excellence in forest resource management must be met for a woodlot licence to be eligible for an increase to the Crown land area.

Evaluation Time Period

Licensee performance and conformity with the definition of excellent forest resource management shall be evaluated over at least the current 5-year period.

Maximum Area Increase

The Crown land portion of woodlot licences may be increased to not more than 400 hectares on the coast (Vancouver Forest Region and the North Coast Timber Supply Area), and not more than 600 hectares in the interior.

Request

For increases initiated by the licensee, the licensee must request, in writing to the District Manager, to increase the area of Crown land of the existing woodlot licence.

Consent

For increases initiated by the District Manager, the District Manager must obtain the consent of the licensee, in writing, to increase the area of Crown land of the existing woodlot licence.

District Plan

The District Manager should maintain records of:

- areas of Crown land suitable for addition to woodlot licences
- areas of Crown land that have been proposed as additions to specific woodlot licences

Referrals

The proposed increases must be referred to the appropriate resource agencies, licenced resource users, and aboriginal people for their input.

Management Plan

The licensee must submit a revised management plan to the District Manager that addresses the revised licence area. Additional inventory information will be required to determine a revised AAC.

AAC Source

The source of the additional AAC necessary to increase the Crown land area of individual woodlot licences shall be, in order of priority:

1- woodlot licence apportionment
2- Forest Service Reserve apportionment
3- SBFEP Category 1 apportionment

Any apportionment revisions must be approved by the Minister of Forests.

References

- *Ministry of Forests Act*, s. 4
- *Forest Act*, s. 1, 44, 45, 46, and others
- *Woodlot Licence Area Regulation* (in press)
- *Timber Administration Manual*

General Procedures

District Plan

There will be many applications to increase the area of existing woodlot licences. Some applications likely will overlap. In most situations a district plan will be necessary to record applications and plan individual woodlot licence expansion.

A plan will be useful in situations where a licensee notes interest in a specific area, but the woodlot licence is not scheduled for imminent replacement.

Letter of Commitment

Where it is reasonable that a specific portion of Crown land be added to an existing woodlot licence at replacement, the district manager should advise the licensee of that commitment in writing. The licensee will then be confident that resources expended in including the area in the revised management plan for the replacement woodlot licence will not be wasted.

Better Management

Improved forest resource management may include but is not limited to:

- including a parcel of land that is only accessible from the woodlot licence
- adding a small parcel of Crown land that is not being managed nor is likely to be managed under another agreement

Excellent Management

The test for excellence in forest resource management is described in the policy. All parts of the test must be met to consider an increase in the Crown land area of a woodlot licence.

Proximity

All portions of Crown land that will be added to the existing woodlot licence must lie reasonably close to that woodlot licence. It is not necessary, however, that they be abutting the existing woodlot licence.

Status

All portions of Crown land that will be added to the existing woodlot licence must be statused in the normal manner.

Timelines

Ideally, areas of Crown land that may be added to an existing woodlot licence will be identified early in the replacement process so that the necessary background work will be completed to include the additional area in the replacement woodlot licence area.

Management Plan

The management plan for the replacement woodlot licence will address the new woodlot licence area and include a new allowable annual cut, based on the revised Crown land area.

Ministry of Forests ***POLICY MANUAL***	**Subject**:	*Woodlot Licence Program – Transfer of Woodlot Licences*	**No**: **8.19** **Effective**: 02-Oct-01
	Branch:	Resource Tenures and Engineering Branch	
	Signature:	Michael de Jong	

Scope

Under section 54 of the *Forest Act*, prior written consent is required before a woodlot licence may be transferred from one holder to another or before there is a change in the control of a corporation that holds a woodlot licence.

This policy applies throughout the Ministry and is intended to offer information and guidance with the objective of providing consistency in the manner in which woodlot licence transfers are administered throughout the province. While this policy provides valuable guidance, every transfer will be considered on its own merits. Accordingly, a departure from this policy may occur if unique circumstances make it appropriate to do so.

Policy

It is the policy of this Ministry that woodlot licences may be transferred from one holder to another, or the control of a corporation that holds a woodlot licence may be changed, provided that the proposed transfer will maintain or enhance the achievement of the Woodlot Licence Program objectives.

The five objectives of the Woodlot Licence Program are:

- to increase the amount of private forest land under sustained yield management, and to improve the productivity of that land
- to improve the productivity of small parcels of Crown forest land
- to increase the opportunities for private citizens to participate directly in small-scale forest management operations
- to promote local employment opportunities, and
- to promote excellence in forest resource management.

This policy distinguishes between two basic categories of transfers and suggests different criteria that should be met before written consent is provided:

1. Transfers of woodlot licences to immediate family members and corporations that are controlled by the individuals who previously held the licence should maintain the Schedule A land contribution and the level of achievement of the program objectives.
2. Where a proposed transfer would result in a person who is not an immediate family member becoming a holder of the woodlot licence or controlling a corporation that holds the woodlot licence, the transfer should enhance the achievement of program objectives above and beyond what would occur if the woodlot licence was re-advertised. To demonstrate that this is the case, the proposed transfer should provide a private land contribution, a suitably qualified transferee, and legally enforceable commitments that will enhance the achievement of program objectives. Favourable consideration should be provided if the existing licensee has demonstrated excellence in forest management in accordance with the criteria outlined in Appendix I.

Under section 54 (2) of the *Forest Act*, the authority to provide consent with respect to the first category of woodlot licence transfers has been delegated to the Regional Managers.

Relevant Considerations Associated With All Woodlot Licence Transfers

To determine if the objectives of the Woodlot Licence Program will be maintained or enhanced, the statutory decision maker should consider the following circumstances associated with each request to transfer a woodlot licence:

- Proposed transfers that maintain or increase the quantity or quality of Schedule A land should generally receive favourable consideration, while proposed transfers that reduce the quantity or quality of Schedule A land should not normally be approved.
- Proposed transfers of woodlot licences that are in a serious state of non-compliance (i.e., where silviculture obligations have not been completed in accordance with originally approved timelines or management plan commitments have not been achieved), should not be approved unless conditions are attached to the transfer to provide a security deposit and rectify the deficiency within a stated period of time.
- Favourable consideration should be given to proposed transfers that contribute additional private land or add legally enforceable commitments that will enhance the achievement of program objectives (e.g., intensive silviculture treatments that will be carried out at the licensee's expense).
- The transfer of woodlot licences should not allow an individual that holds or has an interest in a woodlot licence to obtain additional woodlot licences for immediate family members or partnerships or corporations that the individual (or an immediate family member) has an interest in. Where more than one woodlot licence was competitively awarded to a group of immediate family members, transfers of these woodlot licences between the immediate family members should be allowed.
- Woodlot licences should not be transferred to an individual, partnership, or corporation that will result in the licence being controlled by the holder of a major licence.
- The transferee must be eligible to enter into a woodlot licence, in accordance with the *Forest Act*.
- The financial accounts of the transferor and the transferee with the government must be in good standing.

Additional Information
Unless the District Manager feels it is unnecessary, each request for a woodlot licence transfer should include documentation of the existing licensee's performance of licence obligations, completion of management plan commitments, and achievement of the objectives of the Woodlot Licence Program.

New Licensee
Where the proposed transfer would result in a new individual becoming a holder of the woodlot licence or acquiring control of a corporation that holds a woodlot licence, the statutory decision maker should consider:

- the history of successful management and investment in the timber and non-timber resources of the private lands owned by the proposed transferee
- the proposed transferee's qualification, abilities, and demonstrated participation in the Woodlot Licence Program or small-scale forestry. Conditions may be attached to the transfer to ensure that the new licensee hires experienced help to manage the woodlot licence or participates in available training courses.

Transfer to an Immediate Family Member

For the purposes of this policy, an "**immediate family member**" is defined as a spouse, child, child of a spouse, sibling, spouse of a child, spouse of a sibling, niece, nephew or grandchild, of the licensee. Proposed woodlot licence transfers to an immediate family member will generally receive consent if they satisfy the considerations outlined in "Relevant Considerations Associated With All Woodlot Licence Transfers" and are otherwise consistent with this policy.

Transfers of a woodlot licence to an immediate family member would include:

- the transfer of a woodlot licence from one immediate family member to another
- changes in control of a corporation that holds a woodlot licence between immediate family members
- the addition of an immediate family member as a holder of the woodlot licence (as joint licensees)
- a divorce settlement where only one spouse will hold a woodlot licence that was previously held jointly by both spouses, or
- where two immediate family members hold or control a woodlot licence jointly and one of them dies, leaving the woodlot licence to the other.

A woodlot licence held by a sole licensee who dies could continue to operate in the name of "the estate of the deceased licensee." The licensee's executor/executrix, as nominated in a valid will, would have signing authority.

A woodlot licensee who transfers a woodlot licence to an immediate family member should not be allowed to obtain another woodlot licence through competition or transfer.

Private Land

Where a proposed transfer of a woodlot licence would result in a reduction in the quantity or quality of Schedule A land or the replacement of Schedule A land with an alternative parcel of private land, policy 8.8, entitled "Private Land Exchanges and Deletions," should be considered. In most cases where the proposed transfer will result in a reduction in the quantity or quality of Schedule A land, consent for the transfer should not be provided.

In certain intergenerational transfers, the Schedule A land may represent a major family asset that is to be divided among several children and the woodlot licence is proposed to be transferred to only one of these children. In such situations[1], or in the case of a divorce, where the proposed transfer would result in a reduction in the quantity or quality of Schedule A land, the transferee should propose a suitable partner with land or some other means to contribute an equal or better parcel of Schedule A land to the woodlot licence. If the transferee is unwilling or unable to maintain the quantity or quality of Schedule A land, the Crown area of the woodlot licence should be reduced.

Transfer to or Within a Partnership

Consent should generally be provided for the following types of woodlot licence transfers that involve partnerships, provided the considerations outlined in "Relevant Considerations Associated With All Woodlot Licence Transfers" are met and the proposed transfer is otherwise consistent with this policy:

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[1] Note: Prior written consent under section 54 of the *Forest Act* is still required for the transfer of a woodlot licence or the disposition of Schedule A land, despite any provisions in a will or court ordered divorce settlement.

- where a partner ceases to be involved in the management of the woodlot licence[2]
- where the transfer is to a corporation controlled by the current partners (licensees) and their immediate family members
- where the transfer involves adding a partner[3] who will contribute additional Schedule A land or adds significant commitments that will enhance the achievement of the objectives of the Woodlot Licence Program.

Transfer to or Within a Corporation

Consent should generally be provided for the following types of woodlot licence transfers that involve corporations, provided the considerations outlined in "Relevant Considerations Associated With All Woodlot Licence Transfers" are met and the proposed transfer is otherwise consistent with this policy:

- where one or more individuals who hold a woodlot licence requests that the licence be transferred so that it is held by a corporation that is controlled by these same individual(s)
- where one or more individuals who control a corporation that holds a woodlot licence transfers the control of the corporation to an immediate family member
- where one of two or more individuals who control a corporation that holds a woodlot licence ceases to be involved in the management of the woodlot licence.[4]

Proposed transfers of woodlot licences that will result in a corporation holding a woodlot licence that is controlled by a person who is not an immediate family member of a person that previously controlled the woodlot licence, will be considered as a "Transfer to a Third Party Who is Not an Immediate Family Member" (see the section below).

Where one or more individuals who hold a woodlot licence request a transfer so that the licence will be held by a corporation that is controlled by these same individual(s), the transferee must state who will control the corporation and how that control is exerted (see section 53 of the *Forest Act* for the definition of "**control of a corporation**"). Similarly, if the control of a corporation that holds a woodlot licence will change as a result of a proposed transfer, then the transferee must state who will control the corporation and how that control is exerted. These statements should be recorded as conditions of the transfer so that it will be easy to determine if a subsequent change in control of the corporation occurs.

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[2] In cases where a partner leaves and the partner's experience was a factor in the initial award of the woodlot licence, the experienced partner will not be able to use their experience to obtain another woodlot licence for at least 3 years. The statutory decision maker may place conditions on the transfer to ensure that the remaining partner hires experienced help to manage the woodlot licence.

[3] Where the additional partner is not an immediate family member, the consent of the minister must be obtained.

[4] In cases where a shareholder leaves a corporation and the shareholder's experience was a factor in the initial award of the woodlot licence, the experienced shareholder will not be able to use their experience to obtain another woodlot licence for at least 3 years. The statutory decision maker may place conditions on the transfer to ensure that the remaining shareholder(s) hires experienced help to manage the woodlot licence.

Transfer to a Third Party Who is Not an Immediate Family Member

With prior written consent[5], a woodlot licence may be transferred to a third party who is not an immediate family member where:

- the licensee has a valid offer to purchase the Schedule A land (or the proposed transferee is offering to contribute an alternate (better) parcel of private land)
- the proposed transferee has qualifications that are similar to or better than what would be obtained by re-advertising the woodlot licence, and
- the proposed transfer should result in greater achievement of program objectives than would occur if the woodlot licence were re-advertised.

The "Relevant Considerations Associated With all Woodlot Licence Transfers" section of this policy should also be reviewed and considered by the statutory decision maker.

Before providing consent to a transfer of a woodlot licence to a third party who is not an immediate family member, the following points should be considered:

- the level of interest shown locally by potential applicants for woodlot licences
- the ability of other potential applicants to better achieve the program objectives, and
- the ability to satisfy this demand by advertising additional licences.

If there are a number of well-qualified individuals with potential private land contributions who would be interested in the woodlot licence being proposed for transfer, consent for the proposed transfer may be withheld.

If a woodlot licence has an associated Schedule A land contribution that is significantly better than what would be obtained through re-advertising the licence, then consenting to a transfer that would retain the Schedule A land and result in the woodlot licence being held by a qualified person may be consistent with the program objectives.

Where Schedule A land is not part of the woodlot licence, consent should not normally be provided to transfer the licence to a third party who is not an immediate family member unless there is a private land contribution at least equal to the contribution that would be expected to be obtained if the woodlot licence was competitively awarded. Appendix II provides a listing of the average number of hectares of private land that were contributed in each forest district for woodlot licences that were entered into after the Forest Practices Code came into force.

In estimating the Schedule A land contribution that might be obtained if the woodlot licence was re-advertised, the statutory decision maker should first consider the quality of the woodlot licence (Crown AAC, potential profitability, etc.). Then the statutory decision maker should consider the amount of private land that would probably be contributed if this specific woodlot licence was re-advertised, based on comparable woodlot licences that were recently advertised. If well-qualified applicants from previous woodlot licence competitions, or other individuals who have recently expressed interest to the District Manager, are willing to make a Schedule A land contribution, then providing consent to a woodlot licence transfer without an associated private land contribution would fail to satisfy the program objective of achieving sustained yield management on private forest land.

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[5] Failure to obtain prior written consent prior to selling or disposing of the Schedule A land may result in cancellation of the woodlot licence by the minister.

To provide incentive for licensees to exceed the minimum management requirements under the licence, favourable consideration should be provided if the licensee proposing the transfer has achieved excellent forest management in accordance with the criteria outlined in Appendix I. If the licensee believes that these criteria have been satisfied, written documentation and/or a field trip to the woodlot licence should normally be provided. Favourable consideration should also be provided for additional commitments that will result in superior achievement of program objectives over and above what would be expected to occur through a re-advertisement of the woodlot licence.

Consent should not be provided to individuals who obtain a woodlot licence and then quickly try to transfer it to someone else for profit or other considerations.

Continuing Obligations

Conditions should be placed on all proposed woodlot licence transfers so that:

- subject to the *Forest Act, Forest Practices Code of BC Act,* and associated regulations, the transferee must carry out all outstanding obligations including, without limitation, silviculture obligations, road obligations, cut control requirements, any commitments or measures specified in an operational plan, and any conditions or requirements specified in a written authorization or exemption
- the existing management plan commitments made by the transferor, and any additional commitments made by the transferee, must be carried out

References

- *Forest Act*, ss. 53 and 54
- Ministry Policy Manual, Resource Management, 8.7, *Woodlot Licence Program – General Administration*
- Ministry Policy Manual, Resource Management, 8.8, *Woodlot Licence Program – Private Land Exchanges and Deletions*
- Consent to Transfer Procedures

APPENDIX I: EXCELLENCE IN FOREST MANAGEMENT

The following criteria should be considered to determine if a woodlot licensee is practising excellent forest management. Not all criteria may apply to a particular woodlot licence.

1. Operational and Management Planning:

	Description of Criteria
(a)	The licensee and/or consultant have consistently worked with the Forest Service in a spirit of co-operation to reduce government administrative cost by being organized, informed, and reasonable.
(b)	The licensee's management plan and operational plans have met the legally required standards on the first or second submission for approval (i.e., few errors, omissions, no unacceptable proposals or compromised wording).
(c)	The licensee has willingly made voluntary and timely amendments to the management plan or operational plans (or to field practices not outlined in plans), to address new known information or legitimate concerns expressed by the public.
(d)	The licensee has proactively consulted with the public (including First Nations), and works persistently to address issues of concern while developing operational plans and carrying out practices.
(e)	The licensee has successfully completed a timber inventory of the original woodlot licence area to an acceptable standard.
(f)	The licensee has completed (and funded), additional inventories of non-timber resources and appropriately incorporated this information into the management plan and operational plans.
(g)	The licensee has developed a high-quality map base for management and operational plans (i.e., TRIM or 1st order stereo plotted maps).

2. Operations Compliance:

	Description of Criteria
(a)	The licensee is managing all areas where there is an obligation to produce a free growing stand on the woodlot licence using a regime of silviculture treatments that is designed to produce target silviculture stocking requirements (not minimum stocking requirements).
(b)	The licensee has successfully established a free growing stand on at least one cutblock (or cutblocks equivalent to the 5 year allowable cut) where management for target stocking is demonstrated.
(c)	The licensee is performing all silviculture obligations in compliance with operational plans and the management plan.
(d)	The licensee has reduced delays in regeneration and achieved early free growing (in less time than suggested for the appropriate ecosystem classification in the *Establishment to Free Growing Guidebooks*).
(e)	The licensee has consistently complied with the *Forest Act*, *The Forest Practice Code of BC Act*, associated regulations, and the woodlot licence agreement. (Minor non-compliance issues should not prohibit qualification.)

2. Operations Compliance (cont.):

	Description of Criteria
(f)	The licensee has not trespasses during the previous 5 years of harvesting operations. (Situations of minor non-compliance where the licensee has demonstrated due diligence should be considered accordingly.)
(g)	The licensee has complied with any special commitments in the management plan. (If no special commitments were made, consider positive activities over and above basic licence requirements that are not captured elsewhere in this evaluation.)
(h)	The licensee has carried out road construction, modification, maintenance, and deactivation operations in a manner that achieves the objectives outlined in section 42 of the Woodlot Licence Forest Management Regulation.
(i)	The licensee has kept the amount of land taken out of forest production by permanent access structures (i.e., roads, landings, trails, etc.) to an acceptable minimum, given the need for long-term main access to facilitate excellent forest management and any community involvement activities.
(j)	The licensee has kept the amount of soil disturbance in the net area to be reforested of each cutblock to a minimum.
(k)	The licensee has routinely submitted a complete and accurate annual report by the prescribed annual deadline.

3. Enhanced Silviculture:

	Description of Criteria
(a)	The licensee has shown initiative by accessing or attempting to access FRDA or FRBC funding programs to improve the productivity of the woodlot licence.
(b)	The licensee has carried out essential maintenance work to ensure that the return on the "Crown" investment in silviculture was not lost or reduced.
(c)	The licensee has successfully carried out "incremental forestry activities" without "Crown" funding on private or Crown land (i.e., deciduous stand conversions, establishing free growing stands on backlog areas, fertilization, spacing, pruning, etc.).

4. Forest Health Management:

	Description of Criteria
	The licensee has taken proactive measures to ensure, as much as reasonably possible, that forest health factors remained at endemic levels on the licence area. This would include as a minimum: • an annual reconnaissance of the woodlot licence to ensure that significant forest health factors are detected; • appropriate measures were taken to minimize losses; and • salvage or control requirements were promptly addressed before the timber value decreased or the forest health factors became more serious.

5. Management of Non-Timber Resource Values:

	Description of Criteria
(a)	The licensee's forest development plan contains a comprehensive plan to manage stand level biodiversity (wildlife tree retention) over the licence area.
(b)	The licensee has managed riparian management areas to conserve or enhance riparian values rather than maximize timber extraction from these areas.
(c)	The licensee has undertaken measures designed to conserve or improve fish or wildlife habitat (i.e., Salmonid Enhancement).

6. Timber Utilization Standards:

	Description of Criteria
	In a manner consistent with measures to provide coarse woody debris, the licensee has complied with or exceeded minimum logging utilization standards by utilizing optional dead wood, post and rail material, thinnings, firewood, smaller tops, lower firmwood content, or lower stumps. Compliance would be based on minimal waste on waste surveys or ocular estimates.

7. Private Land Management:

	Description of Criteria
(a)	The licensee has honoured the management plan goals, objectives and commitments for Schedule A land (i.e., age class 1 and 2 stands on private land being managed to produce the yield that is predicted in the *Woodlot for Windows* AAC calculation model).
(b)	The licensee is conducting road operations on Schedule A land in a manner that achieves the objectives outlined in section 42 of the Woodlot Licence Forest Management Regulation.
(d)	The licensee has contributed additional land to the licence since the licence was awarded (or the licence has in excess of 200 ha of Schedule A land).
(e)	The licensee has not avoided harvesting priority timber from Schedule A land.

8. Community Involvement:

	Description of Criteria
	The licensee has provided benefits to the woodlot licence, the community, other woodlot licensees, or private woodlots owners in one or more of the following categories: a) training (either participating in or providing training, as appropriate) b) education (providing forestry education to schools or groups) c) fundraising (using the woodlot licence to support community groups' fundraising efforts - Boy Scouts, sports teams, etc.) d) recreation (providing recreational facilities and/or opportunities to the public) e) positive public relations for the Woodlot Licence Program (providing tours, generating media coverage, etc.) f) employment (providing above average employment through extra operations, improved utilization or value added processing)

9. Positive Participation in a Local Woodlot Association, the Federation of BC Woodlot Associations, or the Woodlot Product Development Council.

	Description of Criteria
	The licensee has actively served on one or more of the above organizations and worked towards improved management on woodlot licences and private forest land by: • providing or participating in education and extension opportunities; • working co-operatively with the MOF and licensees to ensure that current administrative requirements are understood and implemented in the most cost effective manner for both parties; • working to provide constructive suggestions for improvement in the cost-effective administration of the woodlot licence program. Since not all licensees may feel comfortable or confident in participating in these organizations, each licensee should be evaluated based on their abilities and other program-related activities.

10. Public Recognition of Outstanding Performance:

	Description of Criteria
	The woodlot licensee has been publicly recognized for outstanding performance in the management of a woodlot licence by the Woodlot Product Development Council's Forest Stewardship Awards or some similar form of public recognition. Such recognition will not be deemed as being conclusive evidence of "excellence in forest management" under this policy.

APPENDIX II: HECTARES OF PRIVATE LAND CONTRIBUTED TO NEW WOODLOT LICENCES

Region	District	Number of new WL	Average Hectares of Private Land area *	Range in ha.
Cariboo	Chicotin	2	0.0	0
	Horsefly	7	108.9	9 - 296
	100 Mile House	17	57.1	0-250
	Quesnel	18	126.6	10 - 278
	Williams Lake	15	87.8	0 - 210
Kamloops	Clearwater	5	185.3	45 - 293
	Kamloops	15	166.4	63 - 259
	Lillooet	8	25.5	0 - 51
	Merritt	12	208.6	88 - 413
	Penticton	8	133.9	22 - 394
	Salmon Arm	13	81.6	7 - 224
	Vernon	12	152.1	57 - 393
Nelson	Arrow	3	81.6	17 - 208
	Boundary	18	59.8	17 - 130
	Cranbrook	8	89.4	32 - 147
	Columbia	6	63.6	32 - 96
	Invermere	5	49.8	0 - 117
	Kootenay Lake	8	41.7	0 - 106
Prince George	Dawson Ck	11	51.6	0 - 170
	Fort Nelson	2	0.0	0
	Ft. St. James	11	130.8	21 - 259
	Ft. St. John	9	0.0	0
	Mackenzie	7	13.0	0 - 58
	Pr. George	22	156.0	0 - 259
	Robson Valley	2	200.5	81 - 320
	Vanderhoof	12	234.5	105 - 353
Prince Rupert	Bulkley-Cassiar	10	114.5	63 - 152
	Kispiox	5	100.1	52 - 159
	Kalum	1	60.0	60
	Lakes	22	181.7	61 - 472
	Morice	15	91.2	0 - 194
	North Coast	1	20.0	20
Vancouver	Chilliwack	1	0.0	n/a
	Campbell River	12	39.4	1 - 122
	Mid Coast	1	48.0	48
	Pt. McNeill	4	28.4	0 - 71
	Queen Charlottes	2	0.0	n/a
	Sunshine Coast	4	49.1	34 - 65
	South Island	5	10.5	0 - 31
	Squamish	2	0.0	n/a

* does not include reserve land as defined in the *Indian Act (Canada)*

n/a = Schedule A land was only contributed by First Nations

Ministry of Forests
POLICY MANUAL

Subject: Christmas Tree Program - General Administration
Branch: Resource Tenures & Eng. Branch
Signature: Gerry R. Armstrong

No: **8.20**
Effective: 01-Jan-94
Updated: 15-Oct-97

Scope

This policy establishes the overall framework for the administration of the Christmas Tree Program.

Policy

It is the policy of this ministry, through an efficiently administered Christmas Tree Program to:

- encourage the culture and harvest of Christmas trees on a continuing basis on suitable Crown land;
- promote Christmas tree management techniques that will lead to the production of quality Christmas trees;
- provide local residents with an opportunity to supplement their income through the production of Christmas trees; and
- provide opportunities for individuals to cut Christmas trees from Crown land for personal use.

District Plan

The District Manager will:

- assess the demand for Christmas tree permits within the forest district on an ongoing basis;
- assess the availability of suitable areas for Christmas tree permits within the forest district;
- encourage Christmas tree permits on land not suitable for timber production, such as on transmission rights-of-way and on low site forest land; and
- manage Crown forest land for Christmas tree production in concert with other land uses.

Competition

The District Manager will advertise new Christmas tree permits for competition as specified in the Advertising, Deposits and Disposition Regulation. A Christmas tree permit may be awarded to the eligible applicant submitting the highest sealed tender.

Sawlog Trees

Trees unsuitable for the purpose of Christmas tree production should be harvested before issuing a Christmas tree permit over an area. Where authorized by a licence to cut, the permittee may harvest sawlog trees in accordance with the approved management plan, to a maximum volume of 300 m^3 or a maximum value of $3000.

Management Plan

District Managers will ensure that the approved management plan provides for long-term management of the area for the production of Christmas trees. The management plan shall include an estimate of the annual harvest expected from the permit area and the methods planned to increase that harvest.

Personal Use

Cutting of three trees for personal use does not require a Christmas tree permit. The District Manager may authorize such personal use with a letter of authority.

Manifest Books

All shipments of more than three Christmas trees must be accompanied by a Christmas Tree Manifest (FS 200).

References

- *Ministry of Forests Act*, s. 4
- *Forest Act*, s. 1, 50
- *Advertising, Deposits and Disposition Regulation*
- *Deposits and Rates for Christmas Tree Permits Regulation*
- *Christmas Tree Regulation*
- *Christmas Tree Permit Document*
- *Timber Administration Manual*

General Procedures

Assess Demand

The District Manager shall maintain a record of applications for Christmas tree permits in the district.

Assess Availability

The District Manager shall identify areas suitable for Christmas tree permits during the planning processes and maintain a list of potential Christmas tree permit opportunities.

District Plan

The District Manager shall maintain a plan for advertising Christmas tree permit opportunities that considers:

- demand for Christmas tree permits;
- availability of suitable areas;
- district staff and financial resources.

Competition

Competition for Christmas tree permit opportunities shall be by sealed tender.

All Christmas tree permit opportunities shall be advertised according to the Advertising, Deposits and Disposition Regulation. An advertising format is attached.

Term of Permit

A Christmas tree permit may be issued for a term not greater than ten years. The initial term of the permit is the term for which the permit will be replaced.

Management Plan

A Christmas tree permit management plan shall include:

- general area description;
- annual harvest determination;
- crop improvement practices; and
- plans for development of the permit area.

NOTICE INVITING APPLICATIONS FOR CHRISTMAS TREE PERMITS

Forest Act, Section 46.1

Christmas Tree Permit Number _________

TAKE NOTICE that interested and eligible persons are invited to submit sealed tenders to the District Manager for Christmas Tree Permit Number ____, over an area which includes _____ hectares of Crown land in the vicinity of ___________________________. The initial annual harvest level is set at _______ trees.

The term of this Christmas Tree Permit is ____ years.

Tenders in sealed and properly designated containers must be received by the District Manager at ___________________, on or before ________ on __________, 19___.

Tenders will be opened at _____________________.

Further particulars may be obtained from the District Manager, __________________, Ministry of Forests.

Ministry of Forests
POLICY MANUAL

Subject: Christmas Tree Program - Permit Replacement
Branch: Resource Tenures & Eng. Branch
Signature: Gerry R. Armstrong

No: **8.21**
Effective: 01-Jan-94
Updated: 15-Oct-97

Scope

This policy guides the replacement of Christmas tree permits in the Christmas Tree Program.

Policy

It is the policy of this Ministry that, where replacement of a Christmas tree permit is requested:

- the District Manager shall conduct a review of the permittee's performance prior to his making a replacement offer; and
- the terms and conditions of the replacement offer made by the District Manager shall reflect the findings of the review.

No Replacement

An offer to replace a Christmas tree permit shall not be made where that licence has no provision for replacement.

Replacement is not automatic, and only should be offered to permittees that have performed in a satisfactory manner.

Performance Review

A performance review of a Christmas tree permit shall include:

- office review of compliance with management plan, permit conditions, and administrative requirements of the Christmas tree permit; and
- field review of forest practices and compliance with management plan and permit conditions.

The permittee or a representative should accompany Forest Service staff during the field review.

The results of the review should be discussed with the permittee before they are incorporated into the replacement offer.

Term

The term of the replacement permit shall commence on the fifth anniversary of the existing permit and be for a term equal to the whole original term of the existing permit.

Permit Area

The permit area of the replacement Christmas tree permit will normally describe the same area as the existing Christmas tree permit.

The District Manager may make minor revisions to the boundaries of Christmas tree permits at replacement to improve forest resource management.

Timeline

The District Manager should, two months prior to the fourth anniversary of a Christmas tree permit, send a written reminder to the permittee to request replacement of the permit.

The Forest Service must have the performance review completed so that a replacement offer can be made six months prior to the fifth anniversary of the Christmas tree permit.

References

- *Ministry of Forests Act*, s. 4
- *Forest Act*, s. 50
- *Christmas Tree Regulation*
- *Christmas Tree Permit Document*
- Timber Administration Manual

General Procedures

Office Review

Review compliance with management plan for:

- general Christmas tree management principles
- specific commitments
- harvest in balance with planned annual harvest

Review compliance with permit conditions:

- general conditions
- specific conditions

Review compliance with general administrative requirements:

- reports submitted in a timely manner
- no outstanding government accounts

Field Review

If ongoing monitoring and inspections are inadequate to judge performance, conduct field review of operations for:

- field operations in compliance with management plan and permit
- general level of field practices

Review of Findings

Discuss the findings of the office and field review with the permittee before developing a replacement offer.

Replacement Offer

In the case of a replaceable Christmas tree permit, a replacement Christmas tree permit shall be offered to the permittee at least six months prior to the fifth anniversary of the existing permit.

No Replacement

Where a replacement offer is not made, the existing Christmas tree permit will remain in force until it expires.

Ministry of Forests
POLICY MANUAL

Subject: Forest Practices Code Transition: Amendments to Cutting Permits, Road Permits, Timber Sale Licences, and Operational Plans
Branch: Resource Tenures and Engineering
Signature: Gerry R. Armstrong

No: **8.22**
Effective: 01-Jun-95

Scope

This policy is for use by a District Manager or Regional Manager in amending a cutting permit, timber sale licences that do not provide for cutting permits, road permit, or operational plan under sections 225 and 226 of the *Forest Practices Code of British Columbia Act* (the Act).

Policy

Definitions

Higher level plan refers to higher level plans described in the Act

Key standards are identified in sections 225(2) and (3), and sections 226(2) and (3), of the Act and are defined in the *Cutblock and Road Review Regulation*. These standards pertain to cutblock size, green-up, community watersheds, proximity to high value fish bearing streams, and terrain hazard.

Manager means a District or Regional Manager, as set out in sections 225(1) and 226(1,5) of the Act

Operational plans refer to operational plans as described in the Act

Review reports are reports prepared in accordance with sections 225(1) and 226(1) of the Act

Amendments Related to Cutblock Size

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in sections 225(1) and 226(1) of the Act, are required where the maximum cutblock size specified in the *Cutblock and Road Review Regulation* is exceeded:

1. the area under the cutblock incorporates structural characteristics of natural disturbance, such as green tree retention and irregular boundary edges
2. a different standard is specified in an objective for a higher level plan
3. harvesting is being carried out to recover timber that was damaged from fire, insect, wind, or other similar events, and wherever possible,

the cutblock incorporates structural characteristics of natural disturbance

4. the silvicultural system proposed for the area:
    (i) is other than clearcut or seed-tree, and
    (ii) retains 40 % or more of the pre-harvest basal area

5. the harvesting activity is consistent with actions identified in a local resource use plan or district guidelines approved through a public review process

6. the amendment will have an unacceptable impact on the continuation of the licence holders' operations. One key measure of this impact will be whether the licensee has sufficient volume under other cutting authorities to provide for continuation of harvesting and milling operations.

7. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995, except for reasons outside the control of the licensee

8. a substantial amount of road development has been completed in the cutblock

9. the net cutblock area identified in the silviculture prescription is within maximum standards

Amendments Related to Green-up

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in sections 225(1) and 226(1) of the Act, are required if the green-up height requirement for a contiguous area is not achieved as specified in the *Cutblock and Road Review Regulation*:

1. a different standard is specified in an objective for a higher level plan

2. harvesting is being carried out to recover timber that was damaged from fire, insect, wind, or other similar events, and wherever possible, the cutblock incorporates structural characteristics of natural disturbance

3. the silvicultural system proposed for the area:
    (i) is other than clearcut or seed-tree, and
    (ii) retains 40 % or more of the pre-harvest basal area

4. the harvesting activity is consistent with actions identified in a local resource use plan or district guidelines approved through a public

review process

5. the amendment will have an unacceptable impact on the continuation of the licence holders' operations. One key measure of this impact will be whether the licensee has sufficient volume under other cutting authorities to provide for continuation of harvesting and milling operations.

6. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995, except for reasons outside the control of the licensee

7. a substantial amount of road development has been completed in the cutblock

Amendments Related to Designated High Value Streams

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in sections 225(1) and 226(1) of the Act, are required if riparian reserve zones, adjacent to high-value fish-bearing streams designated by MELP and community watersheds, do not meet standards specified in the *Cutblock and Road Review Regulation*:

1. a different standard is specified in an objective for a higher level plan

2. harvesting is being carried out to recover timber that was damaged from fire, insect, wind, or other similar events, and wherever possible, the cutblock incorporates structural characteristics of a natural disturbance

3. the harvesting authority is consistent with actions identified in an objective for a community watershed identified through a local resource use planning process or district guidelines approved through a public review process

4. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995 except for reasons outside the control of the licencee

5. there is no other practicable option for location of roads or the new riparian reserve standard poses a greater risk to the integrity of the reserve than the approved reserve. A factor for consideration is using natural boundaries to provide windfirmness for the reserve area.

Amendments Related to Terrain Stability

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in section 225(1) and 226(1) of the Act, are required if the terrain standards specified in the *Cutblock and Road Review Regulation* is not achieved:

1. a different standard is specified in an objective for a higher level plan

2. the harvesting activity is consistent with actions identified in a local resource use plan or district guidelines approved through a public review process

3. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995 except for reasons outside the control of the licensee

4. the Manager should consider the qualification of a person who has made a determination, assessment, or road design, or formulated an opinion when determining if amendments are required. Factors to consider include:
    (i) the professional or technical accreditation, and
    (ii) the years of field experience, and
    (iii) previous experience with the licences ability to achieve proposed road design standards or introduce new harvesting practices

General Notice

In determining the need for amendment, the Manager should also take into account the following factors:

- If there is a reasonable risk that the operations will result in an unacceptable impact on the resource values that the key standards were intended to protect
- The risk assessment identified in the district monitoring plan for roads and harvesting operations based on the past performance of the proponent
- Where approval of operations on the cutblock or road was made following an extensive amount of documented assessment, analysis or input from Ministry of Environment, Lands and Parks, Department of Fisheries and Oceans, and potentially affected members of the public, the operations can be considered low risk

Degree of Amendment Required with Regard to the Five Key Standards

Where, in accordance with this policy, a decision has been made to require an amendment to a cutblock or road, the Manager will ensure that amendments are made only to the extent necessary to address the intent of the relevant key standards specified in the *Cutblock and Road Review Regulation*. Wherever possible, unnecessary disruption to previously approved licensee operations should be minimized.

Notification of Licence Holders

The District Manager will give notice to major licence or woodlot licence holders of amendments at the earliest possible date upon receiving the licensee's report referred to in section 225(1). Where notice cannot be served within 60 days, the District Manager will provide licensees with an indication of the expected date that notices will be served.

Upon receipt of direction by the Regional Manager to amend operational plans related to a timber sale licence (section 226(5)), the District Manager will promptly notify the licence holder of the impending amendment.

Continuation of Operations Under Approved Cutting Authorities

Until a Manager issues a notice requiring amendment to a cutting permit, road permit, or timber sale licence that do not provide for cutting permits, operations under those authorities can continue.

Documentation

All decisions to amend or to not amend cutting permits, road permits, and timber sale licences, including information in support of such decisions, are to be clearly documented and filed on the appropriate cutting permit, road permit, or timber sale licence file including the *Cutblock and Road Review Report* form.

References

- *Forest Practices Code of British Columbia Act*, Part 11
- *Cutblock And Road Review Regulation*
- *Cutblock and Road Review Report*

Ministry of Forests
POLICY MANUAL

Subject: Standard Operating Procedures for Forest Service Roads
Branch: Resource Tenures and Engineering Branch
Signature: Don Wright

No: **8.25**
Effective: 15-May-01

Scope

This policy describes the general contents of standard operating procedures for Forest Service roads, the requirement to prepare such procedures, and the requirement to adhere to those procedures.

Policy

Standard Operating Procedures (SOP's) for Forest Service roads shall describe mandatory and recommended practices for the following operational areas

- Administrative procedures related to ministry works projects, road administration and use
- Field and office practices related to road layout and design, construction, maintenance and deactivation, including all associated structures.

Development of SOP's

Resource Tenures and Engineering Branch shall prepare and maintain a set of SOP's for Forest Service roads. Any new or revised procedures shall be subject to internal review and comment provincially prior to implementation.

Adherence to SOP's

All district offices and, where applicable, regional offices shall carry out their operations related to Forest Service roads in accordance with the Mandatory Requirements of the SOP's, and shall consider the appropriateness of implementing the Recommended Practices of the SOP's on a project by project basis. The SOP's shall apply to all Forest Service roads (except inspection and maintenance of those roads for which the ministry has delegated such responsibilities to a road use permit holder), whether administered as part of the Small Business Forest Enterprise Program (SBFEP) or as part of ministry operations.

Small Business Forest Enterprise Program Environmental Monitoring System

The SOP's and the Environmental Monitoring System (EMS) for roads developed for the SBFEP certification process must be consistent in their coverage of the same items. Changes to one set of procedures must be reflected in the other set of procedures before implementing the changes.

Monitoring for Conformance

As part of the Ministry's Quality Assurance Program, regional staff shall monitor district operations for conformance with the SOP's, and Resource Tenures and Engineering Branch shall monitor region and district operations for conformance with the SOP's. Reports on the results of such monitoring shall be forwarded to the Assistant Deputy Minister, Operations, for review and follow-up.

Ministry of Forests ***POLICY MANUAL***	**Subject**:	Cutting Permit Extension and Surrender	**No**:	**8.26**
	Branch:	Resource Tenures and Engineering Branch Revenue Branch	**Effective**:	3-May-04
	Signature:	Doug Konkin		

Scope

This policy applies to cutting permits issued under a Woodlot Licence, Tree Farm Licence, Community Forest Pilot Agreement, Forest Licence, Timber Licence, Timber Sale Licence and Licence to Cut.

Policy

A cutting permit may be surrendered or the term may be extended upon application of the holder subject to the agreement, *Forest Act*; and as outlined below.

Definitions

"Agreement" means Woodlot Licence, Tree Farm Licence, Community Forest Pilot Agreement, Forest Licence, Timber Licence, Timber Sale Licence and Licence to Cut.

"Cut Control and Cut Control Charges" has the same meaning as "volume of timber harvested" as defined in Section 75.1 of the *Forest Act*.

"Expiry Date" means the date when the cutting permit is no longer in effect.

"Extension" means an amendment to the expiry date of the cutting permit.

"Forest Management Objectives" means, for purposes of this policy, the harvesting of timber that is at risk of being significantly reduced in value, damaged or destroyed or to carry out a forest health strategy.

"Timber Harvesting" means the felling or removal of timber other than on road rights-of-way or landings on a cut block.

"Timber Sales Manager" means a Timber Sales Manager acting in the capacity of a Deputy District Manager.

"Holder" means the licensee who has been issued a cutting permit.

"Term" means the period of time the cutting permit is in effect.

"Waste and Waste Billing" as per the requirements of the Provincial Logging Residue and Waste Measurement Procedures Manual.

Cutting Permits Issued Prior to November 4, 2003

Extensions: Upon application, a cutting permit will be extended with a term that expires on or before March 31, 2007. This includes cutting permits that expired on or after November 4, 2003, but prior to bringing into force Section 58.2 (2) (b) of the *Forest Act* as amended.

A cutting permit will be extended, in increments of up to two years at a time, beyond March 31, 2007, unless the District or Timber Sales Manager determines that such an extension could compromise the achievement of the forest management objectives for the management unit.

The holder must apply to the District or Timber Sales Manager in accordance with the terms and conditions of their agreement or in the absence of terms and conditions in an agreement, no later than 30 days prior to the expiry date of the cutting permit.

The above cutting permit extensions will not be subject to extension fees.

Surrenders: A cutting permit may be surrendered upon notice to the District or Timber Sales Manager. Such notices, with the exception of Woodlots, must be submitted by June 1, 2004. For Woodlots, the notice must be submitted by July 1, 2004. The subject cutting permit(s) will be cancelled on May 31, 2005, unless an earlier cancellation date is mutually agreed.

Unamortized Costs: Unamortized development, constructed road and constructed structures costs will not be compensated nor considered in future appraisals where the cutting permit has expired or has been surrendered. Roads that have not been constructed will be eligible for inclusion in future cutting permits subject to the Coast and Interior Appraisal Manuals.

Charges: At the expiry of a cutting permit, waste billing and cut control charges will apply to all cut blocks in the cutting permit if timber harvesting has occurred on any cut block unless the cutting permit is surrendered. For a surrendered cutting permit, waste billing and cut control charges will apply to harvested or partially harvested cut blocks, but will not apply to cut blocks where no timber harvesting has occurred.

Amendments to Cutting Permits: Cutting permits that are extended or surrendered may only be amended to reflect minor changes that are a result of circumstances beyond the licensee's control or to meet forest management objectives. Cutting permits may not be amended to add or remove cut blocks.

Cutting Permits Issued after November 4, 2003

An extension to a cutting permit issued on or after November 4, 2003, must be in accordance with Section 58.1 of the *Forest Act*. A cutting permit may also be surrendered, however, all cut blocks in the cutting permit will be subject to the "take or pay" rules as described in the Provincial Logging Residue and Waste Measurement Procedures Manual and applicable cut control charges.

References

- *Forest Act*, ss. 58.1, 58.2, and 75.1
- Provincial Logging Residue and Waste Measurement Procedures Manual
- Waste Policy (Draft)

Chapter 9 - Fire and Aviation Management
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9.1 Wildfire Management
9.2 Smoke Management
9.3 Aviation Management
9.4 Fire Management Planning
9.5 Prescribed Fire

Ministry of Forests
POLICY MANUAL

Subject: Wildfire Management
Branch: Forest Practices
Signature: Philip G. Halkett, 23-Apr-93

No: **9.1**
Effective: 15-Feb-97

Scope

This policy covers guidelines and Forest Service responsibilities for the management of wildfires in B.C.

Policy

Regardless of whether wildfires occur on private or Crown land, the Forest Service will ensure that wildfires are managed to minimize damage in a cost-effective manner consistent with land and resource management objectives (*Ministry of Forests Act*, s. 4(b); *Forest Practices Code of British Columbia Act*, s. 89).

The Forest Service will take effective initial wildfire action, or ensure that such action is taken by another party. Wildfire fighting advice and/or assistance will be provided in response to requests from other parties (*Forest Practices Code of British Columbia Act*, s.89).

Resolving who will ultimately pay for costs or damages must not delay or interfere with fire action and control measures.

Definition

A wildfire is an unplanned fire burning organic soil, grasses and forbs, shrubs, trees, and associated fuels in their natural or modified state. A wildfire can also result from a prescribed fire, ignited in accordance with a burning permit, which, in the judgment of a Forest Officer, threatens to or spreads beyond the area authorized for burning. The term wildfire is synonymous with forest fire.

Command Structure and Decision Making

The Forest Service will have a fire management organization that ensures suppression decisions and actions concerning wildfires will be made and implemented through a standard command structure and decision-making process.

Safety and Training

All individuals employed by the Forest Service and engaged in fire management, including control action, will be appropriately trained. Basic emergency fire-fighting safety training will be given to all crews prior to assignment of duties on forest fires. Fireline personnel will conduct their fire-fighting activities in a safe and professional manner with the highest regard for the safety of themselves and others.

The Forest Service will have a fireline certification program that qualifies individuals for fireline duty.

Control Action

Control action will be:

- implemented in a cost-effective manner consistent with the values at risk and land and resource management objectives
- based on sound tactical plans

The Forest Service may delay, limit, suspend, or withdraw control action if it is determined by the decision-making process that:

- the action is:
  - unsuccessful due to extraordinary fire behaviour
  - impractical due to size and location of the fire
  - not cost-effective in relation to the values being protected
- the wildfire is:
  - a natural process in maintaining an ecosystem and biodiversity
  - located in an area where it would be unsafe to put people
  - lower priority than other existing wildfires

Where control action has resulted in site disturbance, rehabilitation will be carried out (*Forest Fire Prevention and Suppression Regulation*, s.36).

Compensation

Crown land: Occupants of Crown land will not normally be billed for Forest Service costs unless they caused the fire by a willful act, avoidance or refusal of responsibility, or other negligence (*Forest Practices Code of British Columbia Act*, s.89).

Private land: Owners of private land will not be reimbursed for any expenses incurred while fighting wildfires on their land, regardless of fire cause. If the Forest Service assists with fire action, the Forest Service will not attempt to recover its fire-fighting costs from the owner, provided the owner did not cause the fire, and was not negligent during wildfire control action *(Forest Practices Code of British Columbia Act*, s.94, 95; *Forest Fire Prevention and Suppression Regulation*, s.37).

Prevention

Where necessary for the protection of life or property, or where prescribed in accordance with an approved district fire management plan as a means of fire prevention, the Ministry will implement restrictions on forest use. (*Forest Fire Prevention and Suppression Regulation,* s.20, 25)

Campfire Restriction Order: administered under the *Forest Practices Code of British Columbia Act*, s.76, and the *Forest Fire Prevention and Suppression Regulation*, s.24.

Restricted Travel Order: implemented at the district level to restrict either totally, or within specified time limits, all woods travel within a restricted district. Residents travelling to and from their place of residence or summer homes are exempt (*Forest Practices Code of British Columbia Act*, s.84).

Complete Forest Use Restriction Order: administered under the *Forest Practices Code of British Columbia Act*, s.85.

Fire Law Enforcement

The Forest Service will investigate and determine fire cause, and take appropriate legal and enforcement action.

References

- *BC Suppression Training Series*
- *Forest Practices Code of British Columbia Act*, s.76, 84, 85(1)(2)(3), 89, 94, 95
- *Forest Fire Prevention and Suppression Regulation*, s. 20, 24, 25, 36, 37
- *Glossary of Forest Fire Management Terms*, 1987 edition, National Research Council of Canada
- *Ministry of Forests Act*, s.4(b)
- *Protection Manual*, Vol. I
- Worker's Compensation Board of British Columbia, Industrial Health and Safety Regulations

Ministry of Forests
POLICY MANUAL

Subject: Smoke Management
Branch: Forest Practices
Signature: Philip G. Halkett, 23-Apr-93

No: **9.2**
Effective: 15-Feb-97

Scope

This policy covers the management of smoke emissions from prescribed burns that are regulated by Forest Service permits.

Policy

The Forest Service will develop and maintain smoke management plans for each region and district that ensure that air quality standards are maintained.

Smoke Management Plans

Smoke management plans will include but are not limited to the identification of:

- smoke sensitive areas
- modified burning zones
- strategies and techniques to minimize smoke emissions
- the use of weather forecasts, ventilation indices, and fire weather indices
- public notification procedures

References

- *Canadian Environmental Protection Act*
- *Forest Practices Code of British Columbia Act*, s. 45
- *Waste Management Act*
- *Open Burning Smoke Control Regulation*
- *Fire Management Guidebook*
- Ministry Policy Manual, Resource Management, 9.1, *Wildfire Management*

Ministry of Forests
POLICY MANUAL

Subject: Aviation Management
Branch: Protection Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **9.3**
Effective: 01-Apr-93

Scope

This policy covers the management of all aviation resources and major aviation support facilities used by the B.C. Forest Service with particular emphasis on safety, efficiency, and cost-effectiveness.

This policy applies throughout the Ministry, but does not apply to persons, goods, or mail transported by scheduled commercial air carriers or Government Air Services.

Policy

The Protection Branch, Aviation Management, will develop standards and manage the B.C. Forest Service Air Operations programs to conform with all regulatory requirements established by the Department of Transport and the National Transportation Agency.

All Ministry flying will be carried out in accordance with federal and provincial legislation relating to:

- the use of aircraft
- B.C. Forest Services procedures as laid out in the *Protection Manual*, Vol. III
- the published rules and regulations of each air carrier

Air Carrier Directory

The Regional Air Operations Centres will develop and maintain a directory of qualified air carriers and pilots.

Flight Records

Regions will maintain records of all aircraft usage as per the procedures laid out in the *Protection Manual*, Vol. III.

Summaries of all aircraft usage will be produced annually as per the procedures laid out in the *Protection Manual*, Vol. III

Research

All new procedures or technology relating to aircraft usage or ground support systems must be fully researched and approved by Aviation Management before being implemented.

References

- *Air Regulation and Aeronautics Act,* Transport Canada
- *Industrial Health and Safety Regulation,* Worker's Compensation Board
- *National Transportation Act and Air Transportation Regulation,* National Transportation Agency
- *Protection Manual*, Vol. III

Ministry of Forests
POLICY MANUAL

Subject: Fire Management Planning
Branch: Protection Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **9.4**
Effective: 01-Apr-93

Scope

This policy covers the requirements for Forest Service fire management plans.

Policy

The Forest Service will have approved fire management plans which are consistent with land and resource management objectives.

Fire management plan procedures and standards may be adapted to meet specific Branch, regional, and district objectives.

Definition

A fire management plan is a document that contains specific goals, objectives, and standards for the use, application, and control of fire to meet land and resource management objectives.

Plan Scope

As a statement of fire policy and action, fire management plans will include standards and objectives for:

- the use of fire in land and resource management, including but not limited to fuel management and smoke management
- pre-suppression
- initial attack
- continued attack
- safe work procedures

Plans may include maps, charts, tables, and statistics.

Approval

Plans will be approved prior to April 15 of each year if strategies, tactics, and procedures are:

- realistic
- cost-effective
- consistent with land and resource management objectives

References

- *Protection Manual*

Ministry of Forests
POLICY MANUAL

Subject: Prescribed Fire
Branch: Forest Practices
Signature: Philip G. Halkett, 23-Apr-93

No: **9.5**
Effective: 15-Feb-97

Scope

This policy covers the administration and use of prescribed fire. Prescribed fires are controlled fires that burn forest or range fuels to achieve the objectives of land and resource management prescriptions. A prescription is an area analysis of site conditions which prescribes the most suitable treatment based on those conditions and the land management objectives.

Policy

Prescribed fire will be used where it is the most suitable ecological site treatment to achieve desired objectives of land and resource management prescriptions (*Ministry of Forests Act*, s. 4(b)).

The application of prescribed fire must be:

- conducted as outlined in an approved burn plan, and
- in accordance with current field guides for the identification and interpretation of ecosystems

Conditions

All prescribed burning must comply with (as per *Forest Practices Code of British Columbia Act*, s. 76):

- the approved burn prescription and plan
- the requirements of the burning permit
- the objectives of the district fire management plan
- Ministry policy and procedures on smoke management, and regional and district smoke management plans

All Ministry of Environment, Lands and Parks wildlife habitat burning will be governed by the Protocol agreement between the two ministries.

Monitoring

Prescribed burning operations are to be monitored to ensure that site prescription objectives are being met, including assessment of fuel consumption, where appropriate, and that burning operations are carried out in accordance with the burning permit (*Forest Practices Code of British Columbia Act*, s. 76).

In the event of an escape, any resources required over and above the conditions of the burning permit must be approved and confirmed in writing by a Forest Officer daily (*Forest Practices Code of British Columbia Act*, s. 77, 88, 89).

References

- *Forest Practices Code of British Columbia Act*, s. 45, 50, 76, 77, 78, 81, 88, 89
- *Forest Fire Prevention and Suppression Regulation*. s. 23, 24, 25
- *Forest Region Ecosystem Field Guides*
- *Ministry of Forests Act*, s.4(b)
- *Protection Manual*
- *Use of Prescribed Fire for Wildlife Habitat !mprovement*, Ministry of Environment, Lands and Parks and Ministry of Forests Agreement
- *Fire Management Guidebook*

Chapter 10 - Forest Health
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10.1 Forest Health
10.2 Pesticide Regulation and Use
10.3 Provincial Bark Beetle Management *(to be developed)*

Ministry of Forests	**Subject**:	Forest Health	**No**:	**10.1**
POLICY MANUAL	**Branch**:	Forest Practices	**Effective**:	15-Feb-97
	Signature:	Philip G. Halkett, 23-Apr-93	**Updated:**	27-Jul-98

Scope

This policy describes guidelines for forest health programs.

Policy

Effective forest management techniques will be used where warranted to prevent or reduce damage to forest and range resources from insects, diseases, or other harmful agents (*Ministry of Forests Act*, s.4(b); and *Forest Practices Code of British Columbia Act*, s. 106(1) & (2)).

Forest Health Concerns

The incidence of damage to forest and range resources will be evaluated individually. Necessary action will be taken in conjunction with the appropriate branches, ministries, and other agencies.

Causal agents may include:

- insects
- fungi
- bacteria and viruses
- nematodes (roundworms)
- noxious weeds or parasitic plants
- vertebrate animals (not including those with recognized resource value)
- non-living agents, such as frost

Forest Health Methods

Action taken for forest health management will be based on evaluations of damage, potential damage, causal agent, feasibility and cost of treatment, and other factors. Integrated resource management, which takes all resource values into account, will be the most important consideration when deciding what action to take. The following factors must be considered in the decision:

- health and well-being of staff and the public
- long-term forest and range management
- comprehensive silviculture, harvesting, and other operations
- prevention and suppression methods specific to each causal agent
- ecosystem function and value of the harmful agent

Forest health management techniques and strategies must have as little negative social or environmental impact as possible, and be effective and beneficial. Guidelines will be provided to assist licensee and Ministry staff in assessing the risk of infestation or damage (as required for pre-harvest silvicultural prescriptions, or by the *Operational Planning Regulation*, s. 37 (1) (d), 41, Part 6), and to prescribe appropriate treatments.

Cooperation with other Agencies

In cooperation with various agencies, the Ministry will develop forest health management techniques and strategies, and will ensure that they are used effectively.

The development of forest health management agreements with other government agencies, industrial interests, and private individuals is encouraged (*Forest Practices Code of British Columbia Act*, s. 170) .

The Ministry will cooperate with or support other agencies, such as Forestry Canada, academic institutions, industries, and others, that conduct forest health detection, damage appraisal, or research programs.

Advice and assistance on forest health management will be offered to all persons requesting assistance.

Surveys and Appraisals

Surveys, which map or record causal agent populations, the degree of infestation, and damage, must be conducted at regular intervals. Surveys will be coordinated and integrated with Ministry field operations. New or unusual infestations must be reported promptly and confirmed by identification specialists (*Forest Practices Code of British Columbia Act*, s. 17(3) ; *Silviculture Practices Regulation*, Part 3, Division 5; *Operational Planning Regulation*, s. 13, 37 (1) (d), Part 6).

Also, damage appraisals must be carried out to determine the ecological, economic, and social impacts of infestations which are under consideration for treatment.

Records must be maintained of causal agents, their activity, and damage caused, as well as of the methods used in forest health treatments and their results. A shared, corporate data base and information system will be developed or supported in cooperation with other branches and agencies.

References

- *Forest Practices Code of British Columbia Act*, s. 17(3), 40, 106(1) & (2), 170
- *Ministry of Forests Act*, s.4(b)
- *Operational Planning Regulation*, s. 13, 37 (1) (d), 41, Part 6
- *Silviculture Practices Regulation*, s. 22; Part3, Division 5
- Ministry Policy Manual, Resource Management, 2.4, *White Pine*
- *Plant Protection Act*
- *Plant Quarantine Act (Canada)*
- Protection Manual, Vol. 2, *Pest Management*
- *Silviculture Manual*

Ministry of Forests
POLICY MANUAL

Subject: Pesticide Regulation and Use
Branch: Forest Practices
Signature: Philip G. Halkett, 23-Apr-93

No: **10.2**
Effective: 15-Feb-97

Scope

This policy contains guidelines for the proper and safe use of pesticides.

Policy

The Ministry's use of pesticides will be carefully managed in order to maintain the safety of the public and pesticide-handling staff. Protection of the environment and forest resources must be ensured.

Pesticides

Pesticides are substances registered under the federal *Pest Control Products Act* for specified uses against unwanted vegetation, insects, and other organisms. (Pesticides is a generic term that includes insecticides, fungicides, and herbicides.)

Reasons for Pesticide Use

Pesticides may be required for:

- protection of seed trees, seed orchards, and cone crops
- protection of forest nursery stock
- protection of growing and mature stands
- protection of commercially valuable range lands
- protection and preservation of trees with high economical, recreational, or historical value

Responsible Use of Pesticides

Biological and chemical pesticides must be responsibly transported, used, stored, and disposed of. Only fully authorized Ministry employees with the necessary skills, experience, and equipment may handle pesticides. The Ministry accepts full responsibility for the results of the work of any authorized Ministry employee who uses pesticides with due care under official direction.

Public Involvement

The Ministry will provide the public with information on the forestry use of pesticides.

References

- *Forest Practices Code of British Columbia Act*, s. 106, 125
- *Forest Pesticide Handbook of B.C.*
- *Handbook for Pesticide Applications and Dispensers,* Ministry of Environment, Lands and Parks
- *Pest Control Products Act*
- *B.C. Pesticide Control Act*
- *Silviculture Practices Regulation*
- *Worker's Compensation Board of British Columbia Industrial Health and Safety Regulation*
- *Workplace Hazardous Materials Information System*

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Ministry of Forests
POLICY MANUAL

Subject: Average Market Value Audits
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **11.4**
Effective: 01-Apr-93

Scope

This policy covers audits of log sales data and lumber/chip sales data reported by licensees. Sales data is used to determine Average Market Values (AMVs) for direct use in appraisals.

Policy

Revenue Branch will establish and review:

- criteria and requirements for log sales data reporting by coastal licensees
- the list of interior licensees who must provide monthly reports of lumber and chip sales data

The Regional Revenue Audit Coordinator will audit the reported sales data to ensure accuracy and compliance with reporting instructions. Audits will be conducted a minimum of twice yearly, or more often if deemed necessary.

Procedures

Acceptable audit format and procedures are contained in the following:

- *Audit Procedures for the Log Sales Data Report*
- *Audit Procedures for the Lumber and Chip Sales Data Audit Report*

The recommended sales data format and reporting instructions are outlined in *Procedures for Reporting Log Sales*. Format and mill net value calculations are outlined in *Instructions for Reporting Monthly Lumber and Chip Sales*.

Confidentiality

Information supplied in these audits is confidential and must remain so under the *Freedom of Information and Protection of Privacy Act.*

References

- *Freedom of Information and Protection of Privacy Act*

Ministry of Forests
POLICY MANUAL

Subject: Timber Invoicing
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **11.6**
Effective: 01-Apr-93
Updated: 15-Oct-97

Scope

This policy covers invoicing requirements through the Harvest Data Base System (HDBS) of all timber harvested in the province.

Policy

Timber scale returns (scale data, waste and residue billing data, cruise-based billing data, trespass billing data) will be used as the basis for timely issuing of complete and accurate invoices to the responsible party (*Forest Act*, s. 98).

Timber Scale Returns

The Ministry will use a timber scale record to register all timber scale returns and ensure subsequent invoice processing. Timber scale returns will be batched and controlled to ensure all are submitted for invoicing.

The Region is responsible for ensuring the accuracy and completeness of timber scale returns and invoices.

Regional Revenue staff will determine and update the HDBS and identify the client to be billed, and to whom the second copy of the invoice will be sent.

Submission and Processing

Timber scale returns must be submitted to Revenue Branch for processing within one week of receipt by a region or district.

Revenue Branch will ensure all timber scale returns are processed into the HDBS within one week of receipt. Invoices will be issued daily.

Invoice Adjustments

Cancellations, corrections, and adjustments to invoices must be fully documented and made by a person authorized to issue/adjust invoices. This authority is given under the Financial Signing Authority policy.

Interim Billing

Timber which has been felled and decked, or assembled, and will not be scaled on a timely basis, must have an interim invoice prepared based on estimated volumes.

Weigh Scale Final Billing

Final billing will occur within 60 days of completing the weigh scale billing cycle for all timber marks belonging to a renewable stumpage-bearing tenure.

Release of Information

Invoices are not considered confidential and may be released upon request, in accordance with *Freedom of Information and Protection of Privacy* legislation and Ministry guidelines.

References

- *Financial Administration Act*
- *Forest Act*, s. 98
- *Freedom of Information and Protection of Privacy Act*
- *Harvest Data Base System Coding Manual*
- Ministry Policy Manual, Revenue and Corporate Services, 1.3, *Responding to Requests for Information*
- Ministry Policy Manual, Revenue and Corporate Services, 3.6, *Financial Signing Authority*
- *Scaling Manual*

Chapter 12 – Revenue Control
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Ministry of Forests
POLICY MANUAL

Subject: Revenue Risk Management Plan
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **12.1**
Effective: 15-Sept-95

Scope

This policy covers management of revenue to minimize risk of loss of revenue.

Policy

The Ministry will control revenue to minimize loss. Loss of revenue includes:

- absolute losses of revenue to the Ministry
- inequities between licensees

Regional Revenue Risk Management Plan

Each region will prepare a Revenue Risk Management Plan, approved by the regional management team, at least annually. The Plan will include input from all functions involved in revenue and will:

- identify and assess areas with risk of lost revenue
- allocate personnel and other resources to control identified risks in order of magnitude

The approved Plan will be forwarded to the Revenue Branch for incorporation into the Provincial Plan.

Revenue Branch staff will be available to provide support through counsel and active participation.

A report will be prepared of the results of the Revenue Risk Management Plan. It will be approved by the regional management team prior to forwarding to the Revenue Branch.

Revenue Branch Revenue Risk Management Plan

The Revenue Risk Management Plan will be prepared by the Director, Revenue Branch, for the Executive.

References

- *Revenue Risk Management Procedures Manual*

Ministry of Forests
POLICY MANUAL

Subject: Revenue Administration and Control
Branch: Revenue Branch
Signature: Gerry R. Armstrong

No: **12.4**
Effective: 15-Sept-95

Scope

This policy covers the administration and control of revenue.

Policy

The Ministry will assert the financial interest of the Crown in its forest and range resources in a systematic and equitable manner by establishing clear revenue administration and control standards and responsibilities.

More specifically, the Ministry will:

Revenue Administration and Control Matrix

- set controls and standards for each revenue management activity in the Revenue Administration and Control Matrix (appendix A)

Revenue Risk Management Plan

- develop and implement Revenue Risk Management Plans and incorporate key elements into business plans

Objectives

The objectives of revenue administration and control are to:

- determine revenue in a systematic and equitable manner
- identify and claim revenue completely, accurately and promptly
- record revenue promptly and accurately
- collect revenue accounts receivable vigorously; and,
- treat licensees fairly and equitably

Monitoring and Auditing

Revenue Branch, in concert with regional staff, will audit regions and districts to determine compliance and report to the executive. Regional Managers will monitor activities regularly.

Responsibilities

The key responsibilities are as follows

District Managers will:

- ensure that all trees that are harvested are scaled
- ensure that scale returns are received for all the timber that is scaled

- ensure that all scale returns are submitted to Revenue Branch for billing (for scale returns transmitted electronically, this is a branch responsibility); and,
- reconcile scale returns and invoices to ensure there is an invoice for each scale return received

Regional Managers will:

- maintain a regional Revenue Risk Management Plan to identify and investigate real and potential losses of revenue
- correct errors pertaining to mark, scale, and rate errors
- ensure that all scale returns are submitted to Revenue Branch for billing (for scale returns transmitted electronically, this is a branch responsibility)
- collect overdue accounts; and,
- ensure stumpage is determined in a timely and efficient manner
- reconcile scale returns and invoices to ensure there is an invoice for each scale return received

Director, Revenue Branch will:

- ensure that invoices are produced and sent for all scale returns received by Revenue Branch
- ensure that there is an invoice for each scale return submitted electronically
- conduct periodic audits of the regions and, in consultation with the regions, audit districts as to the degree of compliance with this policy; and,
- maintain legislation, regulations, policy, and procedures for proper revenue control and administration

References

- *Financial Administration Act*
- *Ministry of Forests Act*
- *Financial Administration Operating Policy Manual*, Chapter 11
- Revenue Administration and Control Matrix
- Ministry Policy Manual, Resource Management, 12.1, *Revenue Risk Management Plan*
- Relevant Revenue Branch manuals (Scaling, Cruising, Appraisal, etc.)

REVENUE ADMINISTRATION AND CONTROL MATRIX

FOREST MANAGEMENT FUNCTION	REVENUE MANAGEMENT ACTIVITY	REVENUE MANAGEMENT OBJECTIVE	PRIMARY CONTROL	CONTROL STANDARD	CONTROL STANDARD REFERENCE	RESPONSIBILITY
PRE-AWARD Tenure/Cutting Permit Application, Review and Approval	**Cruise timber**	Determine revenue	Check the licensee's timber cruise in the field	100% of cruise based cutting authorities; 75% of scale based cutting authorities	Cruising Policy (draft); Cruise Based Sales Policy; Cruising Manual	District Manager
			Check the licensee's compilation in the office	All compilations	Cruising Policy Compilation Manual	District Manager
			Check cruise compilation computer programs	As required	Cruising Policy Compilation Manual	Director, Revenue Branch; Regional Manager
	Determine Stumpage Rate	Determine revenue	Check the licensee's appraisal worksheet in the field	Under review	Appraisal Manuals	District Manager
			Check the licensee's appraisal worksheet in the office	All worksheets	Appraisal Manuals	District Manager; Regional Manager
			Check calculations	All rates	No reference	Regional Manager
	Award tenure	Collect revenue	Check to ensure the successful applicant does not owe money	All timber tenures	Section 63.1, Forest Act; Small Business Forest Enterprise Regulation; Collection Policy	District Manager Regional Manager
Logging Plan Submission, Review and Approval	**Monitor timber harvesting**	Identify and claim revenue	Assess revenue risk and determine inspection frequency	All timber tenures	Timber Harvesting Monitoring Plan Policy	District Manager
	Mark timber	Identify and claim revenue	Set timber marking requirements	All logging plans	Timber Marking and Transportation Policy	District Manager
	Scale timber	Identify and claim revenue	Designate the scale site for scaling	All logging plans	Section 73, Forest Act; Scaling Regulation	District Manager

REVENUE ADMINISTRATION AND CONTROL MATRIX

FOREST MANAGEMENT FUNCTION	REVENUE MANAGEMENT ACTIVITY	REVENUE MANAGEMENT OBJECTIVE	PRIMARY CONTROL	CONTROL STANDARD	CONTROL STANDARD REFERENCE	RESPONSIBILITY
POST AWARD Ongoing	**Adjust stumpage rates**	Determine revenue	Check calculations	All adjustable rates	Coast and Interior Appraisal Manuals	Director, Revenue Branch
	Reappraise timber	Determine revenue	Check calculations	All adjustable rates	Coast and Interior Appraisal Manuals	District Manager; Regional Manager
Forest Tenures: Harvesting Inspections	**Mark timber**	Identify and claim revenue	Inspect marking of timber in the field	Inspection frequency as determined by Timber Harvesting Monitoring Plans	Timber Marking and Transportation Policy; Timber Harvesting Monitoring Plan	District Manager
	Inspect boundaries	Identify and claim revenue	Inspect boundaries in the field	Inspection frequency as determined by Timber Harvesting Monitoring Plans	Timber Harvesting Monitoring Plan Policy	District Manager
Final Inspection	**Inspect boundaries**	Identify and claim revenue	Inspect boundaries in the field	All cutting authorities	Timber Harvesting Monitoring Plan Policy	District Manager
	Compare cut to cruise	Identify and claim revenue	Compare scale and cruise, investigate significant differences	All scaled based cutting authorities	SBFEP Commitment Control Policy	District Manager
Residue and Waste	**Assess residue and waste**	Identify and claim revenue	Check licensee's survey in the field	25% of cut blocks; 10% of aggregated cut blocks	Provincial Logging Residue & Waste Measurement Manual	District Manager
			Check licensee's data in the office	All surveys	Provincial Logging Residue & Waste Measurement Manual	District Manager; Regional Manager
Private Land:	**Inspect boundaries**	Identify and claim revenue	Inspect boundaries in the field	As required, or in conjunction with an investigation	No reference	District Manager; Regional Manager
Timber Transport (Unscaled Timber)	**Inspect timber in transit (cut block to scale site)**	Identify and claim revenue	Check timber in transit and at scale sites to ensure it is delivered to the designated scale site	All timber	Timber Marking, Branding and Transportation Regulation; & Timber Marking and Transportation Policy	District Manager ; Regional Manager

REVENUE ADMINISTRATION AND CONTROL MATRIX

FOREST MANAGEMENT FUNCTION	REVENUE MANAGEMENT ACTIVITY	REVENUE MANAGEMENT OBJECTIVE	PRIMARY CONTROL	CONTROL STANDARD	CONTROL STANDARD REFERENCE	RESPONSIBILITY
Scaling	**Licence scalers**	Determine, identify, claim and record revenue	Examine and issue licences to scalers	All scalers	Section 78, Forest Act; Licencing and Administration of Scaling Policy	Chief Forester; Director, Revenue Branch; Regional Manager
			Endorse scalers	All scalers	Section 79, Forest Act; Licencing and Administration of Scales Policy	Regional Manager
			Authorize scalers	All scalers	Section 73, Forest Act; Licencing and Administration of Scale Policy	Chief Forester; Director, Revenue Branch; Regional Manager; District Manager
	Authorize scale sites	Identify and claim revenue	Designate where timber must be scaled	All timber	Section 73, Forest Act; Administration of Scale Sites Policy; Timber Marking and Transportation Policy	District Manager
			Approve scale sites	All scale sites	Section 73.1, Forest Act; Licencing and Administration of Scaling Policy	District Manager; Regional Manager
	Inspect Scale Sites	Identify and claim revenue	Check compliance	As required on a risk basis	Monitoring, Inspecting and Auditing Scale Sites Policy	District Manager
	Check Scaling	Identify and claim revenue	Check the accuracy of the licensee's scale	One check every two months per scaler; accurate within three percent	Monitoring, Inspecting and Auditing Scale Sites Policy	District District Manager
			Check scaler's compliance with authority/endorsement	One check every two months	Monitoring, Inspecting and Auditing Scale Sites Policy	District Manager
	Scale Data Submission	Identify, claim and record revenue	Reconcile scaler diary with the scale tally sheets submitted to the ministry	Ongoing, based on random samples	Monitoring, Inspecting and Auditing Scale Sites Policy	District Manager; Regional Manager

REVENUE ADMINISTRATION AND CONTROL MATRIX

FOREST MANAGEMENT FUNCTION	REVENUE MANAGEMENT ACTIVITY	REVENUE MANAGEMENT OBJECTIVE	PRIMARY CONTROL	CONTROL STANDARD	CONTROL STANDARD REFERENCE	RESPONSIBILITY
			Check the licensee's compilation in the office	As required	Monitoring, Inspecting and Auditing Scale Sites Policy	District Manager; Regional Manager; Director, Revenue Branch
			Check compilation computer programs	No standard	Scaling Requirements Policy	Regional Manager; Director, Revenue Branch
Timber Transport (Scaled Timber)	**Inspect timber in transit (scale site to scale site)**	Identify, claim and record revenue	Transport requirements	All timber	Timber Marking, Branding and Transportation Regulation & Timber Marking and Transport Policy	District Manager; Regional Manager
Billing	**Invoicing**	Claim revenue	Check to ensure all scale data received is invoiced	All scale data and all invoices	Timber Invoicing Policy	District or Regional Manager or Director, Revenue Branch (dependent on where scale data was received)
	Statements of Account	Record revenue	Check to ensure all invoices are on statements	All account statements and invoices	Forest Act; Financial Administration Act	Director, Revenue Branch
Collection	**Collection**	Collect revenue	Monitor accounts and collect vigorously	All accounts	Collection Policy	Regional Manager Director, Revenue Branch

Ministry of Forests
POLICY MANUAL

Subject: Client Identification
Branch: Revenue Branch
Signature: Philip G. Halkett, 27-Apr-93

No: **12.5**
Effective: 01-Apr-93

Scope

This policy provides for the complete and accurate identification of individuals or corporations who become clients of the Ministry of Forests.

Policy

All clients of the Ministry will be assigned a unique identity number with which they will be permanently associated.

The same client number will be used for all Ministry subsidiary activities which require a client identification number.

Clients who undergo a legal name change will retain the same client number.

A client number is not necessary for over-the-counter transactions or prepaid transactions for which no ongoing obligations are likely, or for transactions which are one time encounters, such as hunters buying maps or individuals acquiring publications.

Clients

A client is any individual or corporation that:

- qualifies to enter into a business relationship with the Ministry
- applies to establish an account
- has been assessed a penalty under the *Forest Act*
- has an ongoing non-financial relationship with the Ministry (such as the Council of Forest Industries)

A corporation is an incorporated association, company, society, municipality, or other body wherever and however incorporated, and includes a corporation sole other than Her Majesty the Queen or the Lieutenant Governor.

Assigning Client Numbers

The client identity number must be established prior to the commencement of the following activities:

- registration for Small Business Forest Enterprise Program
- application for private mark
- application for grazing or hay cutting rights under the *Range Act*
- application for other rights under the *Forest* or *Range Acts*

- at any point when a prospective client is likely to have an ongoing business relationship with the Ministry
- at any point where an invoice is processed purely for cut control (e.g., lump sum cash sales) or for assessment billings (e.g., trespass and expense recoveries such as fire costs)

Required Information

The following information must be obtained before a client number is assigned:

Corporation:

- corporate name
- corporate registration number
- corporate reporting status
- address of the corporate head office
- business phone number
- mailing address (if different from head office)

Individual:

- surname
- given names
- valid personal identifications
- address
- residence phone number
- business phone number

Note: The required information may not be readily available for involuntary clients established solely to assess penalties against them under the *Forest Act*.

References

- *Revenue Management Procedures Manual,* Client Identification Procedures
- *Freedom of Information and Protection of Privacy Act*
- *Range Act*
- *Forest Act*

Ministry of Forests
POLICY MANUAL

Subject: Fees and Licences
Branch: Revenue Branch
Signature: Lee Doney, 23-Jan-01

No: **12.7**
Effective: 15-Sept-95

Scope

This policy covers the review and approval of fees and licences for providing goods, services, or rights under agreements.

Policy

Fees and licenses will be reviewed annually and approved by Ministry Executive.

Setting Fees and Licence Rates

Fees and rates for licences which primarily benefit only direct users are set at a level where the administrative cost to the government of charging the fees and issuing the licences are fully recoverable.

Where fees and licences involve the use of a natural resource, a charge in excess of the administrative costs may be levied.

Annual Review

Program Directors will annually review services, fees, and licences for goods, services, and rights under agreement, and report to the Director, Revenue Branch, by September 15.

The Director, Revenue Branch, will review fees and licences for goods, services, and rights under agreements and prepare the Ministry fees and licences inventory.

The fees and licences inventory and any proposed changes are submitted to the Ministry Executive and to the Minister of Finance and Corporate Relations for review and approval.

Changes to Services, Fees, and Licences

Program Directors, in consultation with Regional Managers, will report regularly regarding any proposed changes of fees or licences to the Director, Revenue Branch.

Proposed changes, additions, or deletions to the fees and licences inventory will be submitted to the Minister of Finance and Corporate Relations for review and approval as part of the estimates process.

References

- *Financial Administration Act,* s. 47
- *Financial Administration Operating Policy Manual,* s.11
- Treasury Board Directive 1/82, *Fees and Licenses,* July 6, 1981

Ministry Policy Manual

Volume 1 - Management Services
Chapter 12 - Revenue-Control

Appendix to Policy 12.7 - Fees and Licences Inventory Summary for 2001/02, as at December 2000

ITEMS	RESPONSIBLE PROGRAM DIRECTOR	STOB	ACK CODE	AUTHORITY	UNIT OF MEASURE	RATES	YEAR UPDATED	GST	PST
Stumpage - Major Tenure Holders	Revenue Branch	4250	STP	FA S. 105	Per m^3	$0.25 - $80	2000/01	N	N
SBFEP - Upset Stumpage	Forest Enterprises Branch	4250	SBU	FA S.109	Varies		2000/01	N	N
SBFEP - Bonus Stumpage	Forest Enterprises Branch	4253	SBB	FA S.109	Varies		2000/01	N	N
Harvesting Rent & Fees - Forest Licence	Resource, Tenure & Engin. Branch	4251	FLR	FA S.111	Per m^3	$0.25	2000/01	N	N
Harvesting Rent & Fees - Tree Farm Licence	Resource, Tenure & Engin. Branch	4251	TFR	FA S.111	Per m^3	$0.45	2000/01	N	N
SBFEP - Seedling Costs	Forest Enterprises Branch	4272	SSL	FA S.109	Varies		1997/98	N	N
SBFEP - Special Log Sales Project	Forest Enterprises Branch	4254	SBP	FA S.109	Sealed Tender Competition		1997/98	N	N
Interest (Overdue Accounts Receivable)	Revenue Branch	4271	INT	FA S.130	Interest rate	Prime + 3%	Quarterly	N	N
Grazing License – fee for yearly use	Forest Practices Branch	4268	RGL	RA S.19 & 49; Range Reg.S.11(1)(b)	Per AUM	$1.68	1999/00	Y	N
Special Use Permits	Resource, Tenure & Engin. Branch	4272	SUP	FAA S.47	Varies	Varies	1997/98	N	N
Seedling Sales	Silviculture Practices Branch	4272	STF	FAA S.47	Per Item	$0.20	1997/98	Y	Y
Timber Licenses Rental	Resource, Tenure & Engin. Branch	4250	ROY	FA S.111	Per ha	$1.25	2000/01	N	N
SBFEP - Penalties	Forest Enterprises Branch	4270	PEN	FA S.109	Varies		1997/98	N	N
Seed Sales and Servs	Silviculture Prac. Br.	4272	SDS	FAA S.47	Per Kg	$825/kg.	1997/98	Y	Y
Penalties Billings	Compliance & Enforcement Branch	4270	ADP	FPC S.117	Ticket	Varies	1997/98	N	N
SBFEP - Miscellaneous	Forest Enterprises Branch	4272	MRS	FA S.109	Varies		1997/98	N	N

Grazing Permit – fee for yearly use	Forest Practices Branch	4268	RGP	RA S.19 & 49; Range Reg.S.11(1)(b)	Per AUM	$1.68	1999/00	Y	N
Cold Storage Charges	Silviculture Practices Branch	4272	STF	FAA S.47	Per Item	$4.16/carton	1997/98	Y	Y
SBFEP - Harvesting Rentals & Fees	Forest Enterprises Branch	4251	TMR	FA S.109	Per ha		1997/98	N	N
Digital Inventory Data & TSA FIP	Inventory Branch	4272	MAN	FAA S.47	Per Item	$500.00	1997/98	Y	Y
Log Export Fees - Surplus Sawlogs	Economics & Trade Branch	4267	EXF	FA S.129	Diff. Of domestic & exp. market prices	100%	1997/98	N	N
Harvesting Rent & Fees - Woodlot Licence	Resource, Tenure & Engin. Branch	4251	WLR	FA S.111	Per m^3	$0.50	2000/01	N	N
Tender Package / Contract Particulars Charge	Financial Management Branch	4272	TMA	FAA S.47	Per Item	$25.00	2000/01	Y	Y
Log Salvage Permit	Revenue Branch	4272	LSP	FA S.124	Per Year	$250.00	1997/98	N	N
Log Export Fees - Economic	Economics & Trade Branch	4267	EXF	FA S.129	Diff. of domestic & exp. market prices	15%	1997/98	N	N
Violation Tickets	Compliance & Enforcement Branch	4270	ADP	Offense Act	Ticket	Varies	1997/98	N	N
Grazing - fee for application for consent to transfer a temporary grazing or hay cutting permit under S.20(2)(a),(c) or (d) or a deemed consent under 20(6) of the Range Act	Forests Practices Branch	4268	RTF (new)	RA S.19 & 49; Range Reg.S.10(1)(c)	Per Transfer	$25.00	1999/00	Y	N
Grazing – fee for an application to transfer a licence or permit under S.23 of the Range Act	Forest Practices Branch	4268	RTF	RA S.19 & 49; Range Reg S.10(2)	Per Transfer	$100.00	1999/00	Y	N

Grazing - fee for an application for a consent to transfer a Grazing licence or permit under S.20(2) (a),(c), or (d) or a deemed consent under 20(6) of the Range Act	Forest Practices Branch	4268	RTF	RA S.19 & 49; Range Reg S.10(1)(a)	Per Transfer	$500.00	1999/00	Y	N
S-Series Training Modules - Instructor's Set; Instructor's Lesson Plan; Instructor's Slide Set; Individual Workbook	Protection Branch	4272	MAN	FAA S.47	Per Item	$368.00	2000/01	Y	Y
Grazing Licence Issuing Fee	Forest Practices Branch	4268	RLU	RA S.19 & 49; Range Reg S.9(a)	Per Item	$250.00	1999/00	Y	N
Map Sales	Inventory Branch	4272	MPS	FAA S.47	Per Item	Varies	2000/01	Y	Y
Grazing - Non-Use Charge for Grazing Licenses & Permits not meeting Range Reg. S 11(4) exemptions	Forest Practices Branch	4268	RGN	RA S.19 & 49; Range Reg S.11(1)(b)	Per AUM	$1.68	1999/00	Y	N
Scaling - Scaling Exams	Revenue Branch	4272	SCF	FA S.98	Per Item	$50.00	1997/98	N	N
Harvesting Rent & Fees - Timber Sale Licence with AAC > 10,000 m^3	Resource, Tenure & Engin. Branch	4251	TJR	FA S.111	Per m^3	$0.50	2000/01	N	N
Silviculture Manual	Silviculture Practices Branch	4272	MAN	FAA S.47	Per Item	$60.00	1996/97	Y	N
Grazing - fee for application for Temporary Grazing Permits under Range Act S 7(2)	Forest Practices Branch	4268	RNU/RNF	RA S.19 & 49; Range Reg S.8(1)	Per Item	$50.00	1999/00	Y	N
Appraisal Manuals - Coast & Interior	Revenue Branch	4272	MAN	FAA S.47	Per Item	$30.00	1997/98	Y	N
Grazing - Hay Cutting License – fee for yearly use	Forest Practices Branch	4268	RHL	RA S.19 & 49; Range Reg S.11(2)(b)	Per Tonne	$5.00	1999/00	Y	N
Log Export Fees - Surplus Pulp	Economics & Trade Branch	4267	EXF	FA S.129	Diff. between domestic & exp. market prices	40%	1997/98	N	N

Grazing – fee for an application under Range Act S.10(3)(a) or (b)(i)	Forest Practices Branch	4268	RRF	RA S.19 & 49; Range Reg S.8(3)	Per Item	$25.00	1999/00	Y	N
Scaling - Acting Scaler Fee	Revenue Branch	4272	SCL	FA S.98	Per Year	$100.00	1997/98	N	N
Licenses of Occupation	Resource, Tenure & Engin. Branch	4272	LOO	MOFA S.5(2)	Per Zone		1997/98	Y	N
Log Export Fees - Utilization	Economics & Trade Branch	4267	EXF	FA S.129	Diff. between domestic & exp. market prices	15%	1997/98	N	N
Log Export Fees - Deciduous	Economics & Trade Branch	4267	EXF	FA S.129	Per m^3	$1.00	1997/98	N	N
Scaling - Time Charges	Revenue Branch	4272	TIM	FA S.98	Per Hour	$50.00	1997/98	N	N
Residue and Waste Certification Exams	Revenue Branch	4272	MRS	FAA S.47	Per Item	$50.00	1997/98	N	N
Residue & Waste Measurement Procedures Manual	Revenue Branch	4272	MAN	FAA S.47	Per Item	$23.36	1997/98	Y	N
Grazing – Fee for application for licence or permit under Range Act S 10(2)	Forest Practices Branch	4268	RVF	RA S.19 & 49; Range Reg S.8(2)	Per Item	$150.00	1999/00	Y	N
Grazing – fee for amendment to a License or Permit requested by the holder	Forest Practices Branch	4268	RAF	RA S.19 & 49; Range Reg S.8(4)	Per Item	$25.00	1999/00	Y	N
Inventory User Commands	Inventory Branch	4272	MAN	FAA S.47	Per Item	$100.00	1997/98	Y	Y
Visual Depiction Guide (formerly Cartographic Manual)	Business Design Branch	4272	MAN	FAA S.47	Per Item	$25.00	1997/98	Y	N
Grazing – fee for issuance of non-replaceable Grazing or Hay Cutting Permit	Forest Practices Branch	4268	RNG / RNH	RA S.19 & 49; Range Reg S.9(c)	Per Item	$25.00	1997/98	Y	N
Grazing – fee for issuance of Hay Cutting Licence Issuing Fee	Forest Practices Branch	4268	RHU	RA S.19 & 49; Range Reg S.9(e)	Per Item	$100.00	1999/00	Y	N

Appendix to Policy 12.7 - Fees and Licences Inventory Summary for 2001/02, as at December 2000

Grazing – grazing licence or permit annual amount - rent	Forest Practices Branch	4268	RGN	RA S 19, 49, Range Reg. S. 11(1)(a)	Per AUM	$0.20	1999/00	Y	N
Log Salvage License (Receiving Station) - Renewal	Revenue Branch	4272	LSP	FA S.123	Per Year	$250.00	1997/98	N	N
Grazing - fee for application for a consent to transfer a hay cutting licence or hay cutting permit Under Sec. 20(2)(a),(c), or (d) or a deemed consent under 20(6) of Range Act	Forest Practices Branch	4268	RTF	RA S.19 & 49, Range Reg. S 10(1)(b)	Per Transfer	$25.00	1999/00	Y	N
VRI - Ground Sampling Procedures	Inventory Branch	4272	MAN	FAA S.47	Royalty	7%	1997/98	Y	Y
GPS - Georeferencing	Inventory Branch	4272	MAN	FAA S.47	Royalty	7%	1997/98	Y	Y
Colour Stereogram Handbook	Inventory Branch	4272	MAN	FAA S.47	Royalty	7%	1997/98	Y	Y
Photo Interpretation	Inventory Branch	4272	MAN	FAA S.47	Royalty	7%	1997/98	Y	Y
Growth and Yield	Inventory Branch	4272	MAN	FAA S.47	Royalty	7%	1997/98	Y	Y
FRGIS Data Files	Inventory Branch	4272	MAN	FAA S.47	Royalty	7%	1997/98	Y	Y
Field Handbook - Classification	Inventory Branch	4272	MAN	FAA S.47	Royalty	7%	1997/98	Y	Y
Beware and Prepare Video	Protection Branch	4272	FES	FAA S.47	Royalty	10%	2000/01	Y	Y
Shindaiwa Pump Kit Bags	Protection Branch	4272	FES	FAA S.47	Royalty	3%	2000/01	Y	Y
Chainsaw Kit Bags	Protection Branch	4272	FES	FAA S.47	Royalty	3%	2000/01	Y	Y
Unit Crewpack	Protection Branch	4272	FES	FAA S.47	Royalty	3%	2000/01	Y	Y
Helicopter Safety & Survival	Protection Branch	4272	FES	FAA S.47	Royalty	20%	2000/01	Y	Y
Helmet Headlamp Holder	Protection Branch	4272	FES	FAA S.47	Royalty	7%	2000/01	Y	Y
Econoflo Hose Winder	Protection Branch	4272	FES	FAA S.47	Royalty	10%	2000/01	Y	Y
Software-Weather & Lighting for Windows	Protection Branch	4272	MAN	FAA S.47	Per Item	$285.00	2000/01	Y	N
Grazing – fee for yearly use of forage of hay cutting licence or permit for non-use not qualifying for reduction under Range Reg. S. 11(4)	Forest Practices Branch	4268	RHN	RA S.19 & 49, Range Reg S. 11(2)(b)	Per Tonne	$5.00	1999/00		

Grazing – rent for yearly use of hay cutting licences or permits	Forest Practices Branch	4268	RHN	RA S.19 & 49, Range Reg. S. 11(2)(a)	Per Tonne	$0.60	1999/00	Y	N
Grazing – fee for yearly use of forage in Hay Cutting licence or Permit	Forest Practices Branch	4268	RHP	RA S.19 & 49, Range Reg. S. 11(2)(b)	Per Tonne	$5.00	1999/00	Y	N
Grazing – fee for issuance of a Hay Cutting Permit	Forest Practices Branch	4268	RHF	RA S.43 & 48, Range Reg. S. 9(f)	Per Item	$50.00	1999/00	Y	N
Grazing – fee for issuance of a temporary grazing permit	Forest Practices Branch	4268	RHF (new)	RA S.43 & 48, Range Reg. S. 9(d)	Per item	$25.00	1999/00	Y	N
Grazing – fee for issuance of a grazing permit	Forest Practices Branch	4268	RPU	RA S.43 & 48, Range Reg S. 9(b)	Per Permit	$100.00	1999/00	Y	N
Annual Vehicle Pass	Forest Practices	Vote Record		FP Code S.205	Year	$27.00			
Annual Vehicle Pass (Seniors)	Forest Practices	Vote Record		FP Code S.205	Year	$22.00			
Daily Vehicle Pass (NHUS)	Forest Practices	Vote Record		FP Code S.205	Day	$8.00			
Daily Vehicle Pass (HVS)	Forest Practices	Vote Record		FP Code S.205	Day	$10.00			
Ministry Brochures	Forest Practices	Vote Record		FP Code S.205	Brochure	$2.00 – 4.00			
Firewood	Forest Practices	Vote Record		FP Code S.205	Bundle	$2.00 – 4.00			
Christmas Tree Non-Refundable Deposits	Resource, Tenure & Engin. Branch	4272			Permit	$50.00			

Ministry of Forests
POLICY MANUAL

Subject: Management and Deposit of Public Money **No:** 12.11
Branch: Revenue Branch **Effective:** 15-Sept-95
Signature: Philip G. Halkett, 23-Apr-93

Scope

This policy is to establish effective control over the recording, safeguarding, and disposition of public money, including the issuing of receipts.

Policy

All public money received will be processed in a manner that assures effective internal control including segregation of duties. An audit trail will be maintained from the time public money is first received until the point of final disposition.

Deposits

All public money must be deposited in the form received in a timely manner, unless it is to be returned within 5 working days of being received. Amounts of $50,000 or greater must be deposited immediately . Total daily receipts over $1,000 must be deposited within 24 hours. Total daily receipts under $1,000 must be deposited when practical, taking into account local conditions.

Receipts

Where public money is tendered in the form of cash, a receipt must be issued immediately.

Where public money is tendered in any other form, a receipt is to be issued only upon request.

Payments on Account

Payments on account that are received at a Ministry office after 12:00 noon on the payment due date will be credited to the account effective the next accounting period.

Lost Remittances

Where a payment cannot be located, the Director, Revenue Branch, and the Assistant Deputy Minister, Revenue and Corporate Services Division, must be notified immediately. The local Financial Officer will report to the Director, Revenue Branch on the circumstances of the loss, the audit trail, and the extent of other controls.

References

- *Financial Administration Operating Policy Manual,* s.10.10, 11.4, 11.9
- *Revenue Management Procedures Manual*

Chapter 13 - Revenue - Scaling and Cruising
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Ministry of Forests
POLICY MANUAL

Subject: Administration of Scale Sites
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **13.1**
Effective: 01-Apr-93
Updated: 15-Oct-97

Scope

This policy covers the authorization and administration of scale sites.

Policy

All scaling must take place at sites authorized by the Ministry.

Scale Site Authorization

All scale sites must be authorized in writing by the Ministry prior to commencement of scaling. The site authorization must not exceed five years and should provide for scale site conditions, check scaling, and scale documentation requirements.

Scale Site File

All scale sites are issued a unique identity; a file is established for each site; and a scale site base record is set up on the Scale Administration and Control System (SCS).

References

- *Forest Act*, s. 94, 96, 97
- *Scaling Regulation*, s. 3

Ministry of Forests
POLICY MANUAL

Subject: Timber Marking and Transportation
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **13.2**
Effective: 01-Apr-93
Updated: 15-Oct-97

Scope

This policy covers the marking and transport of timber.

Policy

Ministry requirements for scaling, marking, and documentation must be sufficient to ensure timber movement is controlled and the Crown's financial interests are protected. Checks will be conducted to ensure these requirements are met (Forest Act, s. 94 (1)).

Consideration of Risk

Ministry requirements must consider the risk of revenue loss and the loss of scale data control. Requirements must consider the following:

- volume, nature, frequency, and complexity of the proposed mode of transportation
- adequacy of data controls already in place
- place and method of scaling

Designation of the Place of Scale

The place of scale for all timber marks must be designated to one or more authorized scale sites prior to transport (*Scaling Regulation*, s.3).

Timber Marking

All timber must be conspicuously marked on the area of origin as soon as possible after it is cut and prior to any transportation off the area or manufacture (*Forest Act*, s. 84 (1)(b)).

Marking Method

Unless exempted, timber must be marked in accordance with the *Timber Marking, Branding, and Transportation Regulation.*

Exemptions must be in writing and provide for the required format of marking which may include crayon, hammer or paint. Exemptions may be specific to a (*Forest Act*, s. 84 (3)):

- designated scale site
- geographic area
- form of timber transport
- licence or group of licensees or marks
- type of forest product
- combination of the above

The minimum standard of marking will be set by the Regional Manager.

Exemptions will not be issued if timber will be waterborne, subject to export, or transported out of the jurisdiction, unless a different level of marking is approved by the receiving jurisdiction.

Timber Mark Posting

Where considered appropriate, harvesting agreements and cutting authorities may include a standard clause requiring the licensee to erect signs at the exit point of each cut block, clearly showing the timber mark applicable to that cut block.

Timber Branding

Minimum levels of branding are as follows (*Timber Marking Regulation*):

Marine log brand: Each piece must be hammer indented on each end, except where the face of the log is too small to carry the full brand. The minimum branding requirement in all instances will be one hammer indentation on each log (*Forest Act,* s. 88).

Scaled timber brand: The brand must be applied by hammer indentation, paint, and/or crayon, and the level of branding will be set by the forest region (*Forest Act*, s. 89).

Additional Documentation for Controlled Timber Transport

Anyone transporting timber may be required to carry additional documentation describing the timber being transported and the nature of the transport.

The objective of specific documentation requirements is to ensure controlled scaling and timber transport. Transporters may be exempted from full documentation requirements if the transport is readily controlled, such as across the road to another log yard controlled by the same licensee.

References

- *Forest Act*, s. 84, 88, 89, 94 (1)
- *Scaling Regulation,* BC 563/78, s.3
- *Timber Marking Regulation*, BC Reg. 567/78

Ministry of Forests
POLICY MANUAL

Subject: Monitoring, Inspecting, and Auditing Scale Sites
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **13.3**
Effective: 01-Apr-93
Updated: 15-Oct-97

Scope

This policy covers check scales, scale site inspections, the ongoing monitoring of scale data, and the periodic auditing of scaling authorizations and other arrangements between the Ministry and individuals involved in scaling and related activities.

Policy

The Ministry will maintain an adequate level of monitoring, inspecting, and auditing to ensure the Crown's interests are protected.

Data Monitoring

The Ministry will check all submitted scale data for completeness and reasonableness. A random representative sample of submitted scale data will be comprehensively evaluated and will have a data trail that can be followed back to the source documentation.

Check Scaling

The Ministry will conduct random unannounced check scales on all authorized scalers. Such check scales will be conducted in accordance with the legislation and the procedures in the *Scaling Manual*. The results of each check will be posted to the Scale Administration and Control System (SCS).

The frequency of check scales will be determined by analyzing the relative revenue risk, the volume scaled, and the scaler's past performance. The minimum target frequency for each authorized scaler should be not less than one check scale for every two months of scaling activity.

Scale Site Inspections

The Ministry will conduct random unannounced scale site inspections on all authorized scale sites. Inspections will be conducted in accordance with the legislation and *Scaling Manual* procedures. The results of each scale site inspection will be posted to the SCS.

The frequency of scale site inspections will be determined in consideration of the relative revenue risk associated with the site, complexity of the scaling and log handling arrangements, and the site's past performance. However, it is generally expedient to conduct a scale site inspection each time a check scale is conducted.

Auditing of Agreements

The Ministry will conduct periodic audits of all scaling-related agreements and arrangements in place. The frequency of such audits will be determined by analyzing the relative revenue risk afforded by the agreement and the results of past audits.

References

- *Forest Act,* s. 94–102, 163
- *Scaling Manual*

Ministry of Forests
POLICY MANUAL

Subject: Licensing and Adminstration of Scalers
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **13.4**
Effective: 01-Apr-93
Updated: 15-Oct-97

Scope

This policy covers the licensing and administration of individuals scaling timber under the *Forest Act*.

Policy

The Ministry will license and administer scaling activities.

Scaling Licence

Scaling licences may be issued by the Chief Forester following successful completion of a practical and written examination conducted by scaling examiners appointed by the Chief Forester (*Scaling Regulation*, s.18, 19).

Scaling Board of Examiners

A Board of Examiners appointed by the Chief Forester will set all scaling examination standards and ensure examinations are conducted fairly and consistently throughout the province. Anyone conducting scaling examinations must be appointed by the Chief Forester as a scaling examiner (*Forest Act*, s. 94).

Scaler's Oath

Scalers are required to take the Scaler's Oath before their first authorization to scale.

Authorization and Appointment of Scalers

Anyone scaling timber cut on Crown or private land must be appointed and/or authorized in accordance with the *Forest Act*.

Authorizations to scale may carry conditions, will be limited to the jurisdiction of the issuing officer, and are limited in duration as follows:

Official Scaler	up to five years
Licensed Scaler	up to two years
Acting Scaler	up to one year

Scaler File

Following authorization to scale, the district or region must establish a file on each scaler and maintain records for each scaler on the Scale and Administration and Control System (SCS). Records must include pertinent information concerning the scaler's performance, authorizations, appointments, applications, and related correspondence.

Official Scaler Appointments

The regional or district scaling manager may appoint an individual as an Official Scaler if that individual holds the required licences, has applicable experience, consistently demonstrates scaling competency, and complies with scaling requirements (*Forest Act*, s. 100).

Minimum experience will be five years on the coast and three years in the interior, with at least six months scaling activity in the previous twelve months.

Collection of Fees

The licence and fee schedule is as follows (*Scaling Regulation*, s.19.1, 19.2):

- appointment as an acting scaler — $100
- scaling licence examination — $50 per exam
- cost of *Scaling Manual* — $20

Fees are subject to revision.

Fee Exemptions

The scaling licence examination fee will not apply if the applicant:

- is a Forest Service employee
- holds an acting scaler appointment and has paid the $100 appointment fee
- holds a scaling licence and is taking an upgrading exam or is being re-examined under the *Forest Act*, s. 101.

The Acting Scaler appointment fee may be waived if the volume scaled under the appointment will not exceed 300 m^3 in a 12-month period.

Suspensions and Cancellations

A Regional Manager or District Manager may suspend a scaling licence for a set period if the licence holder fails to comply with the *Scaling Regulation* or the authorization to scale. Suspension of the licence terminates all authorizations to scale in the province. Anyone subject to suspension will be given the opportunity to be heard before the Regional or District Manager (*Forest Act*, s. 102).

The Chief Forester may cancel a scaling licence after serving notice of intent and giving the licensed scaler an opportunity for a hearing.

References

- *Forest Act*, s. 94, 100, 101, 102
- *Scaling Regulation*, BC 563/78, s.18, 19

Ministry of Forests
POLICY MANUAL

Subject: Scaling Requirements
Branch: Revenue Branch
Signature: Philip G. Halkett, 23-Apr-93

No: **13.5**
Effective: 01-Apr-93
Updated: 15-Oct-97

Scope

This policy covers the scaling requirements for all timber cut on private and Crown lands.

Policy

All timber must be scaled unless an exemption is issued. The Ministry will assess compliance with prescribed scaling procedures (*Scaling Regulation*, s. 5).

Exemption

Timber may be exempt from scaling if (*Forest Act,* s. 94, 96):

- timber cut on private land will not exceed 3000 m^3, or
- timber cut on Crown land will not exceed 3000 m^3, and/or the stumpage value will not exceed $3,000, or
- the cutting authority provides for stumpage payment based on the cruise

If an exemption is issued, and the harvested volume is more than 100 m^3, conditions for the exemption should provide for an estimate of the volume harvested. This may include a sampling technique such as scaled samples, truck counts, or cruise data.

If a licensee and a Regional Manager agree to use a sampling approach instead of scaling each piece, a written agreement must be in place between them.

Submission of Scale Data

Scaling Forms: Scale data must be recorded and returned in the required format.

Scale Data Computation Standards: All data must be recorded and compiled according to Ministry standards (*Forest Act*, s. 97).

Approval of Scaling Hardware and Software: All hardware and software used in the collection, compilation, and reporting of scale data must be approved by the Ministry.

Electronic Submission of Scale Data: Scale data may be transferred electronically to the Ministry upon approval by the Regional Scaling Manager.

Timing Requirements for Data Submission: Minimum standards for submitting scale returns are described in the *Scaling Regulation*.

References

- *Forest Act*, s. 94–97
- *Scaling Data Transmission Manual*
- *Scaling Regulation*, s.5

Ministry of Forests
POLICY MANUAL

Subject: Waste Assessments
Branch: Revenue Branch
Signature: Doug Konkin

No: **13.6**
Effective: 15-June-04

Scope

This policy, in concert with the *Provincial Logging Residue and Waste Measurement Procedures Manual*, implements the concept of "take or pay" to the utilization of Crown timber. It cancels and replaces the Residue and Waste Measurement Policy dated October 15, 1991.

Policy

Merchantable Crown timber, whether standing or felled, that is not reserved from cutting and remains on site upon the completion of primary logging of each cut block or at the expiry of the agreement or cutting permit is waste. The ministry will issue waste bills charging for this waste.

Waste bills will apply to all cut blocks in the cutting permit if timber harvesting has occurred on any cut block, unless the cutting permit was issued before November 4, 2003, and has been surrendered.

For a surrendered cutting permit, waste bills will apply to harvested or partially harvested cut blocks but will not apply to cut blocks where no timber harvesting has occurred.

Waste assessments will be carried out in accordance with the *Provincial Logging Residue and Waste Measurement Procedures Manual*, as amended from time to time.

Definitions

"Merchantable Timber" means timber that meets or exceeds the timber merchantability specifications in the *Provincial Logging Residue and Waste Measurement Procedures Manual.* Timber that is graded dry Y or Z (Coast), Grade 5, 6 or Z (Interior) is not merchantable.

"Primary Logging" means the cutting of timber and the yarding of that timber to a central landing, roadside or drop area in a logging operation.

"Reserved Trees" means merchantable timber left after completion of primary logging that is reserved from cutting for silviculture, biodiversity or other specific forest management reasons.

"Timber Harvesting" means the felling or removal of timber other than on road rights-of-way or landings on a cut block.

"Waste" means timber, except timber reserved from cutting, whether standing or felled, which meets or exceeds the timber merchantability specifications described for the Coast and the Interior in the *Provincial Logging Residue and Waste Measurement Procedures Manual*, that was not removed from the cutting authority area.

"Waste Bills" means a monetary invoice issued by the Ministry of Forests for waste reported in a waste assessment.

Authority

Waste assessments are authorized under:

- *Forest Act*, sections; 13 (3) (b), 14 (d) (ii), 20 (3) (ii), 22 (f) (ii), 33 (5) (ii), 35 (c) (ii), 43.3 (d) (ii), 43.7 (2) (e) (ii), 43.8 (e) (ii), 45 (1) (d) (ii), 47.5 (1) (ii), 47.7 (f) (ii), 103.1, 118 (c) (ii).
- Provisions for waste assessments are made in the agreements and/or cutting authorities.
- *Provincial Logging Residue and Waste Measurement Procedures Manual.*

Responsibility

The district manager is responsible for conducting waste assessments on forestry licences (non BC Timber Sales) and for conducting waste assessment check surveys.

The timber sales manager is responsible for conducting waste assessments on timber sale licences, forestry licences to cut and permits issued by BC Timber Sales.

Holders of a major licence, woodlot licence, community forest agreement, community salvage licence, or road permit are responsible for conducting waste assessments on their licence(s).

Methods

Only those methods described in the *Provincial Logging Residue and Waste Measurement Procedures Manual* are to be used for conducting waste assessments.

Waste Classification

Waste is classified as either unavoidable or avoidable.

Unavoidable waste means waste that:

- Is inaccessible or physically obstructed; or
- Could not be felled, bucked or removed due to safety or environmental reasons.

Avoidable waste means waste that does not fall within the definition of avoidable waste.

Reporting

Waste assessments must be completed and reported within the time periods specified in the *Provincial Logging Residue and Waste Measurement Procedures Manual.*

Waste Benchmarks

Monetary billings will only be made on the avoidable waste volumes in excess of the waste benchmarks established in the *Provincial Logging Residue and Waste Measurement Procedures Manual.*

Monetary Billing

Avoidable waste will be billed according to the species and log grades

Coniferous saw logs (Grade X or better [Coast]); Grade Blank (Interior) will be billed at the 12 month average stumpage rate pertaining to the timber mark and derived in a method described in the *Provincial Logging Residue and Waste Measurement Procedures Manual.*

Coniferous and deciduous Grade Y (Coast), and Grades 3 and 4 (Interior) will be billed at the rates established for these grades in either the *Coast or Interior Appraisal Manual*, plus any bonus or levies where applicable.

Assessment Submissions

Completed waste assessments must be submitted and signed off under the signature of:

- A registered professional forester or a registered forest technologist registered with the Association of BC Forest Professionals; or

- A licensed logging residue surveyor or a licensed scaler, licensed by the Ministry of Forests.

References

- *Forest Act;*
- *Provincial Logging Residue and Waste Measurement Procedures Manual.*

Ministry of Forests
POLICY MANUAL

Subject: Timber Cruising
Branch: Revenue Branch
Signature: Bronwen Beedle for Don Wright

No: 13.7
Effective: 01-Jan-02

Scope

This policy provides standards for the measurement and estimation of Crown timber that will be harvested.

Policy

Crown timber on each cutting authority will be inspected, cruised and computed according to the standards and procedures in this policy.

The timber cruise will provide the estimate of volume, species composition, quality of timber and other data required to determine stumpage rates.

Definitions

Cruising is the measurement and estimation of volumes of standing and down Crown timber on a given parcel of land.

Check cruising is the systematic check of the quality of the design and fieldwork of a cruise to determine whether it meets ministry standards. Where a cruise is selected for checking, a minimum of 10 percent of the fieldwork will be checked. The Provincial Cruising Manual lists the required fieldwork and the acceptable measurement errors.

Cutting Authority means a cutting permit or an application for a cutting permit, or a timber sale licence or a timber sale licence that has been advertised.

Cruise-based licences are cutting authorities where the licensee is billed stumpage on the basis of cruised volume.

Check Cruising Standard

The checking standards for each district are as follows:

- 100 percent of cruise-based licences.
- 50 percent of scale-based cutting authorities. Cruisers, agencies, or licensees that do not have an established record of accurate cruising will be checked more intensively based on risk management.
- The checking standards for low value sales and low risk cruising may be modified by the Regional Manager but shall not be lower than:
    - 50 percent for cruise-based cutting authorities
    - 25 percent for scale-based cutting authorities.

Cruise Package Review

A check of each timber cruise will be made to ensure that the cruise plan, the fieldwork and the compilation are completed to ministry standards. Checking applies to licensee's cruises and cruises carried out by or on behalf of the Ministry.

Cruise Compilation Check

Each region will conduct at least four compilation technical reviews annually, including a systematic check of the cruise compilation from tally cards to final reports and a recompilation. Revenue Branch will conduct a check of all cruise compilation programs when they have been changed or modified.

Recording and Reporting

Each district must maintain a program of check cruising and a check cruising ledger. Regions will monitor each district and report annually to the Regional Manager on the level of check cruising activity and the quality of cruising.

Adverse Weather Conditions

Cruising should not be done if adverse weather conditions affect the standard of tree measurement vital to the stumpage rate determination.

Reconnaissance Surveys

Reconnaissance surveys using cruising techniques will be planned and carried out when required in order to evaluate the degree of damage to forest stands by wind, fire or insects.

Modification

Cruising procedures and computerized output design for appraisals are the responsibility of Revenue Branch.

Modification of taper equations and their constants, loss factor tables and computerized rules for interpreting the standard log grades require the approval of Revenue Branch.

References

- *Forest Act*, Part 7
- Cruising Manual
- Cruise Compilation Design Manual
- Coast and Interior Appraisal Manuals
- *Financial Administration Act*

Procedures

These procedures apply to the cruising policy. Other procedures are prescribed in the Ministry of Forests *Cruising Manual* and in the regional cruising guidelines.

Director, Revenue Branch:
- ensures that the cruising policy and cruising procedures meet the requirements of timber appraisals and the interests of other branches.

Cruising Policy Forester:
- develops cruising policies and establishes tree measurement standards;
- monitors the effectiveness of all cruising activity;
- maintains a provincial cruising manual which prescribes cruising procedures and standards;
- prescribes rules to licensees for the compilation of the cruise and for the submission of data and information in order to attain uniformity in the calculation procedures; maintains a program which tracks the performance of industry cruise compilation programs; conducts an initial compilation check of all compilers when the program is modified;
- provides technical and interpretative liaison with Regional Cruising Co-ordinators and industry; and

- conducts a technical review of one region per year to ensure the soundness of the regional and district cruising program. The technical review is to include a random recheck of a cruise that was check cruised,

Regional Manager:

- ensures that the cruising policy, procedures and standards are implemented and adhered to throughout the region; and
- ensures that sufficient cruising capability and competency is maintained throughout the region to meet the requirements of this policy.

Regional Revenue Manager:

- plans and develops the management strategy for the region to administer the timber cruising policy by establishing procedures giving sufficient technical guidance to ensure the cruising policy can be applied satisfactorily throughout the region.

Regional Cruising Co-ordinator:

The Regional Cruising Co-ordinator interprets and administers the policies and procedures established for regional operations by:

- ensuring that standards are adhered to uniformly and consistently, without impeding the consideration of site specific and local situations which affect timber pricing;
- monitoring 3 districts every year to ensure that all timber offered for sale or under application for harvesting is cruised to a standard that meets the requirements of the appraisal, billing where applicable, and reports the level of performance to the Regional Manager with recommendations. The monitoring is to include a random recheck of a cruise that was check cruised;
- conducting or arranging for at least four compilation checks annually;
- training selected ministry employees in the district to ensure they are competent to perform cruises, check cruises and compilations; and
- ensuring that all licensees, consultants and technical schools within the region are conversant with the cruising policies and procedures of the Ministry.

District Manager:

- maintains sufficient cruising capability and competency;
- maintains a program of check cruising, a check cruising ledger and annually reports to the Regional Manager on the level of check cruising activity and on the number of acceptable and unacceptable cruises of those checked;
- ensures that cruising and check cruising activities are carried out in a timely manner and in accordance with ministry policy and procedures; and
- estimates and budgets for required funds to retain outside services if required to undertake cruising on behalf of the Ministry.

References

- *Forest Act*, Part 7
- Cruising Manual
- Cruise Compilation Design Manual
- Coast and Interior Appraisal Manuals
- *Financial Administration Act*

Chapter 14 - Minister's Policy
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14.1 SBFEP Bid Proposal Program, Timber Sale Licences, Forest Act, s. 21

Ministry of Forests
POLICY MANUAL

MINISTER'S POLICY

Subject: SBFEP Bid Proposal Program, Timber Sale Licences, Forest Act, s. 21
Signature: David Zirnhelt

No: **14.1**
Branch: Forest Enterprises
Effective: 15-Feb-97
Updated: 14-Jul-98

Scope

This policy applies to all timber sale licences advertised under Section 21 of the *Forest Act* unless specifically exempted by the Minister of Forests (the Minister).

Policy

It is the policy of the Minister of Forests that the Minister, and Ministry of Forests staff, will be guided by the following principles in administering timber sale licences under Section 21 of the *Forest Act*. All timber sale licences advertised under Section 21 will conform with this policy unless specifically exempted by the Minister. The Minister on the Minister's own initiative or on the advice of Ministry of Forests staff may exempt individual or groups of timber sale licences from this policy.

Program Objectives

Government's objectives in providing access to standing timber, through timber sale licences advertised under Section 21 of the *Forest Act*, otherwise known as the bid proposal sales program, are:

1. To provide opportunities for innovation and entrepreneurs in independent and smaller firms;
2. To encourage and promote greater employment and community stability through economically sound and viable remanufacturing and the production of specialty wood products by independent remanufacturers in British Columbia; and,
3. To award sales competitively.

Types of Timber Sale Licences

Three types of timber sales will be offered under Section 21 for the purposes of promoting and encouraging lumber remanufacturing and the production of specialty products in the forest industry. The three sale types are:

- Regular Bid Proposal Sales, which require remanufacturing or specialty wood product manufacturing by the licensee
- Special Bid Proposal Sales, which require primary manufacturing and either the sale of primary products to, or the processing of the primary products through, a remanufacturing or specialty wood product plant in British Columbia, and
- Enhanced Eligibility Bid Proposal Sales, which are Bid Proposal sales for which, in addition to applications from persons eligible for bid proposal sales, applications from western redcedar shake and shingle operators will be accepted

Unless otherwise approved by the Minister, the volume advertised in the region in special bid proposals shall not exceed 15 % of the total volume apportioned to Section 21 timber sale licences each year, for the region.

The maximum volume available from the Section 21 apportionment to be sold in the form enhanced eligibility bid proposal sales under which western redcedar shake and shingle operators may apply is limited to 1 250 000 cubic metres in each five year period starting in 1998. This will be divided as close as practical to 250 000 cubic metres per year.

Advertisement

It is Minister's policy that the advertisements and/or the associated tender package will clearly state how the Regional Manager and the Minister will evaluate and approve applications received in response to the advertisement. As described below the advertisement may, at the Minister's discretion, include an interpretation of government development objectives specific to the timber sale licence.

In consultation with the District Manager, the Regional Manager will prepare advertisements for the Minister's approval. All advertisements for all bid proposal sales will be approved by the Minister. To streamline administration of advertisement approvals, these advertisements may be submitted as part of a regional value-added sales plan, as described in detailed procedures.

The Regional Manager shall propose enhanced eligibility bid proposals to be located in management units designated by the Minister. Enhanced eligibility bid proposal sales will resemble as closely as practical the average profile of size and quality as other bid proposal sales.

The Minister has authorized District Managers to produce and manage advertisements and tender packages for all bid proposal timber sale licences advertised in their forest districts providing the advertisement has been approved by the Minister and these activities are done in accordance with procedures approved by the Minister.

Regular and Enhanced Bid Proposal Sales

Regular and enhanced eligibility bid proposal sales will be advertised using approved generic templates, unless the Regional Manager believes there is a need to modify the advertisement to better address specific government objectives. In those cases the Regional Manager will present the modified advertisement to the Minister for approval.

The generic provincial template and weighting of evaluation criteria for regular and enhanced eligibility bid proposal sales are shown in table 1.

Table 1

Criteria	Weighting
Employment	30
Proximity	10
Existing Plant	10
New capital investment	10
Labour value-added	5
Change in value-added	15
Revenue	20
TOTAL WEIGHTING	**100**

Special Bid Proposal Sales

Special Bid Proposals will be advertised using approved generic templates for special bid proposals, unless the Regional Manager believes there is a need to modify the advertisement to better address specific government objectives. In those cases the Regional Manager will present the modified advertisement to the Minister for approval.

It is Minister's policy that the advertisements and/or the associated tender package will clearly state how the Regional Manager will evaluate and approve applications received in response to the advertisement.

The approved provincial evaluation method for Special Bid Proposal Sales is five step process.

1. Determine the minimum volume of lumber required to be supplied by applicants to remanufacturing or specialty product plants in British Columbia and express that volume as a percent total advertised timber volume. The suggested provincial minimum is 50 percent, although that may be modified upwards by District Managers.
2. Determine the volume of lumber proposed by the applicant to be supplied to remanufacturers and specialty plants in British Columbia, and express that volume as a percentage of the total advertised timber volume.
3. Subtract the minimum required percent volume of lumber from the proposed percent volume of lumber products which the applicant proposes to supply and multiply the difference by 100.
4. One point is given for each one per cent above the minimum volume required to be made available to remanufacturing or specialty product plants. This is the remanufacturing score. The remanufacturing score may not exceed the difference between 100% and the minimum set by the District Manager.
5. The remanufacturing score is added to the bonus bid amount. One point is given for each $ of bonus bid.

The application with the highest evaluation score is to be approved by the Regional Manager. In the event of a tie the Regional Manager, through the District Manager, will ask each of the tied applicants to submit an additional sealed tender bid (for bonus only) which will be added to the existing tied bonus bid. The applicant with the highest score will then be approved by the Regional Manager.

Form of the Application

Pursuant to Section 21 (2) (a) and (c) applications shall be in a form, including a proposal, as specified in procedures approved by the Minister.

Pursuant to Section 21 (2) (b) the Minister has authorized District Managers to receive applications for bid proposal timber sale licences advertised in their Forest Districts providing the timber sale licence is advertised in accordance with procedures approved by the Minister.

Evaluation

Pursuant to Section 21 (3) the Minister has authorized Regional Managers to evaluate all applications providing the Regional Manager evaluates these applications in accordance with procedures approved by the Minister. As described in the procedures the Regional Manager will present the results of the regular and enhanced bid proposal sales evaluations to the Minister for approval. The Regional Manager's presentation of evaluation results should include terms and conditions the Minister may wish to apply in approving the application.

Pursuant to Section 21 (3) and (4) the Minister has authorized Regional Managers to evaluate and approve applications for special bid proposal sales providing the Regional Manager follows the procedures approved by the Minister. Therefore the Regional Manager does not report the results of special bid proposal evaluations to the Minister.

Approval of Applications

Regular and Enhanced Bid Proposal Licences
The Minister may:

1. Approve one or more applications following an evaluation by the Regional Manager; or,
2. Decline to approve all applications.

In approving one or more applications the Minister may apply terms and conditions. As a rule the Minister will, as a minimum, require that the applicant's proposal pass a verification review. In addition the Minister may require that the bid proposal data sheet information, submitted as part of the application, be refined to incorporate the findings of the verification review.

Failed Verification Review
In the event the application approved by the Minister fails the verification review the Regional Manager shall:

1. Promptly notify the Minister;
2. Promptly supply the Minister with results of the revised evaluation for approval;
3. Review the need for further remedies (for example, those available under Section 78 of the *Forest Act*) to encourage the submission of verifiable proposals in the future.

Special Bid Proposals
Pursuant to Section 21(4) the Minister has authorized Regional Managers to approve applications for special bid proposals providing the Regional Manager evaluates and approves these applications in accordance with procedures approved by the Minister.

Enter Into Timber Sale Licence

As soon as the applicant approved by the Minister has met all the terms and conditions of the Minister's approval, including passing the verification review, pursuant to Section 21 (5), the District Manager shall enter into a timber sale licence with the applicant approved by the Minister. The licence will incorporate, where necessary, the terms and conditions of the Minister's approval.

Failure to Enter
If the approved applicant fails or refuses to enter into the licence pursuant to Section 21 (5), the District Manager shall take action in accordance with Section 8 (2) of the *Advertising, Deposits and Disposition Regulation*.

Announcement of Successful Applicants

Successful applicants will be announced by government news releases. As a rule these news releases will be issued every few months and will announce applications for timber sale licences the Minister has approved and the Regional Manager has verified. Individual timber sale licences may be announced independently at the request of the Minister of Forests.

Inspection, Compliance and Enforcement

For the purposes of this policy, inspection, compliance, and enforcement refers to licence requirements and commitments in the proposal submitted as part of the application for the licence, related to manufacturing.

District Managers are responsible for inspections, compliance, and enforcement related to Forest Practices.

The amount and type of inspections of bid proposal sale licensees performance should be based on the District or Regional Manager's assessment of the risks of non-compliance. The initial risk assessment should be based on the assessment of risk determined at the time of the verification review, in accordance with the procedures.

In order to ensure the government receives the benefits promised by the applicant, and fairness to unsuccessful applicants in the competition for timber sale licences, District and/or Regional Managers will inspect licensee performance against proposal and subsequent licence terms and conditions. Where the licensee fails to comply with terms and conditions of the licence the District or Regional Manager should undertake appropriate and progressive enforcement actions for failure to comply with terms and conditions of a licence agreement.

Examples of progressive enforcement tools available to District and Regional Managers is provided in the procedures.

Deposits

For the purposes of Section 6 (1.1) of the *Advertising Deposits and Disposition Regulation*, it is recommended that the District Managers require an initial deposit of $5000 for timber sale licences under Section 21 of the *Forest Act*. The final deposit for these timber sale licences will be calculated in accordance with Section 7 (1) (c) of the *Advertising Deposits and Disposition Regulation*.

References

- *Forest Act*, s. 21
- *Advertising Deposits and Disposition Regulation* (BC Reg. 552/78)
- *Small Business Forest Enterprise Regulation* (BC Reg. 265/88)

Chapter 15 - Aboriginal Issues
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Contents

15.1 Aboriginal Rights and Title

Ministry of Forests
POLICY MANUAL

Subject: Aboriginal Rights and Title
Branch: Aboriginal Affairs Branch
Signature: Don Wright

No: **15.1**
Effective: 03-June-99
Updated: 14-May-03

Policy

Aboriginal rights, including aboriginal title, are recognized and affirmed under Section 35 of the *Constitution Act, 1982*. The effect of this recognition is that existing aboriginal rights must not be unjustifiably infringed by the forest development decisions of the Crown or its licensees. The Ministry of Forests will meet its legal obligations with respect to aboriginal rights, while maintaining a timely approval process for forest business practices.

This document is consistent, and should be used in conjunction, with the Provincial Consultation Policy (2002). The term "aboriginal interests" is used throughout this document to refer to potentially existing but unproven aboriginal rights and/or title.

Consultation Processes

To address legal obligations, forest development decisions will be the subject of consultation efforts between First Nations and government. An appropriate consultation process should be employed for each type of decision under the Ministry's mandate that is capable of affecting aboriginal interests. The scope of consultation will depend on the degree to which the forestry decision impacts the landbase; and the degree to which the First Nation likely has aboriginal interests within the area under decision.

Ministry staff will keep an accurate record of all consultation discussions, including efforts to address aboriginal interests. Staff will advise First Nations that consultation and addressing aboriginal interests is being carried out in fulfillment of the Crown's legal obligations in respect of asserted aboriginal rights and/or title.

Consultation processes will:
- identify First Nations potentially affected by proposed forest development decisions,
- provide them with all relevant and reasonably available information regarding proposed forest development decisions,
- request information from First Nations that will assist in the identification of, and provide the basis for claims of, aboriginal interests that may be impacted by proposed forest development decisions,
- consider the degree to which the forestry decision impacts the landbase,
- consider whether the aboriginal interests described by the First Nation will potentially be infringed by the proposed development activity or decision, and
- consider the apparent strength of aboriginal interests in relation to forest development decisions, seeking to accommodate those interests where appropriate.

Components of the Consultation Process:

1. **Identification of Relevant Aboriginal Groups**
   Identify First Nation(s) that may be potentially affected by the proposed forest development decisions, including overlapping First Nations asserted territories.

2. **Information Sharing**
   First Nations should receive all relevant and reasonably available information as early as possible regarding the type of decision to be made. Different ministry representatives (district, region, branch) may need to be involved in this step depending upon the type of forestry decision being made. As a practical matter, licensees will likely need to be involved in the consultation process in order to provide specific information.

   For operational activities (such as forest development planning processes), information sharing may include technical and descriptive information, such as diagrams and mapping products to provide an understanding of the potential on-the-ground impact of the proposed activity. For administrative decisions (such as new or replacement tenures), information sharing may include an overview of the tenure terms/processes, explanation of the nature of the tenure and any legislated requirements, along with explanation of any conditions that may be attached to the tenure.

   Sufficient explanation of the information should be provided. Staff should encourage the First Nation to raise any aboriginal interests in relation to the decision and to describe and provide evidence that shows the basis of their claim(s), if claims have been made. First Nations responses (related to aboriginal interests) from these discussions will guide the level and scope of any subsequent consultation processes.

   The following forms of information should be sought from First Nations and other sources, and considered in the context of the particular situation (see the consultation guidelines for further information on these factors):
   - Are the involved lands near or adjacent to a reserve or former settlement or village site?
   - Is the land in areas of traditional use or archaeological sites? If a TUS was done, what does it indicate over the land in question?
   - Is there any overlap with other First Nations?
   - Is the First Nation asserting rights/title over the area? What is the nature of the assertion and on what information is it based?
   - Is the land subject to a specific claim?
   - Is the land close to known fishing, hunting, trapping, gathering or cultural sites?

   Other line ministries may be contacted to determine if they have received internal advice regarding a particular First Nation. Consistency across government in responding to aboriginal interests is essential.

3. **Addressing First Nations Issues**
   Where First Nations concerns of aboriginal interests are raised with regard to a forest activity or pending decision, consider the information gathered during the consultation process to date, along with possible practical adjustments or actions that may substantially address those concerns, if possible in conjunction with the licensee.

Practical adjustments or actions should not set precedents with regard to aboriginal interests (at this stage, practical solutions should not purport to recognize aboriginal rights or title, but should be put forward as a reasonable arrangement that seeks to address the asserted, but unproven, claims of aboriginal rights or title).

Also consider discussing possible practical adjustments or actions with region, Aboriginal Affairs Branch, and other relevant branch representatives (including any options available to address the situations). Where practical adjustments or actions are not possible, discuss with regional staff, Aboriginal Affairs Branch, and Ministry of Attorney General to determine whether any further opportunities should be offered to address the interests raised.

4. **Soundness of Claim Assessments**
   Assessments regarding the soundness of an aboriginal right or title claim may be conducted in conjunction with internal advice from provincial authorities, including legal advice. Assessments may be relevant where:
   - the information provided by the First Nation is inadequate,
   - court action is likely or occurring, or
   - the information does not directly support the strength of claim being raised.

   Such assessments can serve to help determine appropriate levels of subsequent consultation and point to possible steps that seek to accommodate aboriginal interests identified during consultation.

   As issues associated with considering the soundness of claim (and recommendations on accommodation measures) are governmental in scope, field staff are not responsible to make this determination independently.

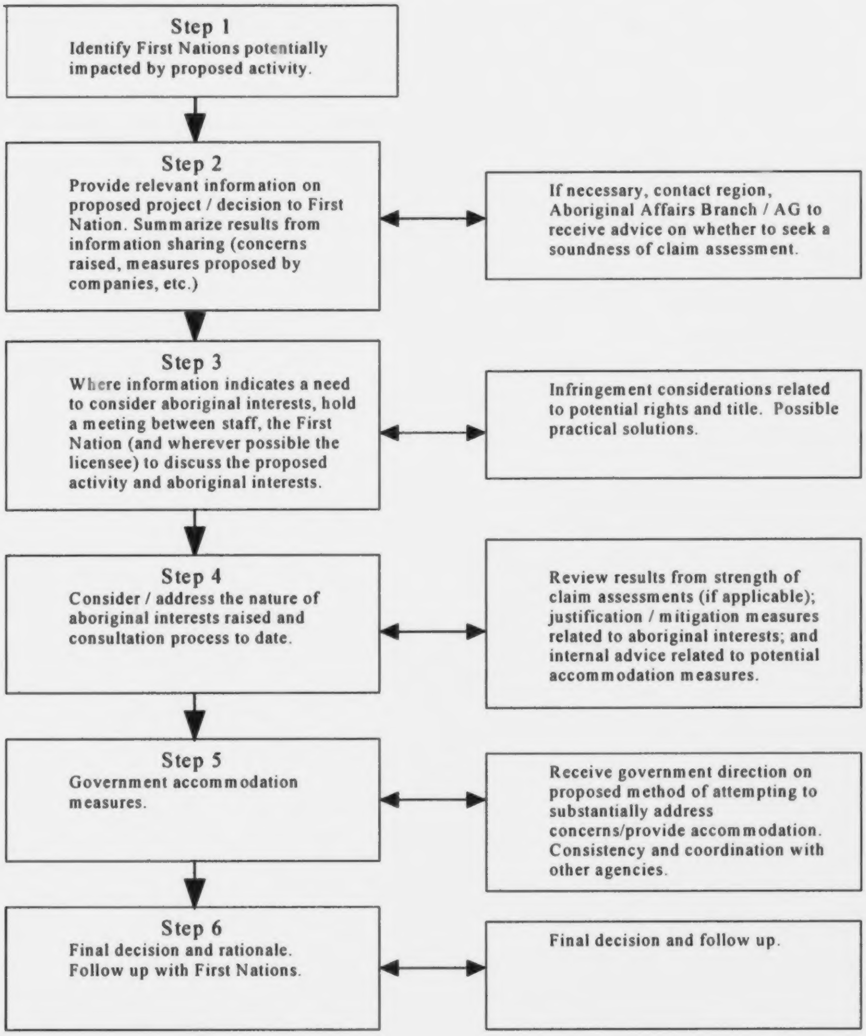
5. **Accommodation**
   In some cases, government may determine that specific steps are needed to seek to accommodate aboriginal interests. It is critical that proposed measures be consistent across government, in the context of the particular aboriginal group in question. Any such measures will be developed from a corporate government perspective with internal direction/approval.

6. **Decision Making**
   Information related to aboriginal interests will be considered and addressed in relation to forestry decisions. Decision makers will consider relevant information brought forward during consultation processes, this policy, the Provincial Consultation Guidelines, and any relevant advice from government sources related to aboriginal interests and efforts that seek to accommodate those interests.

   As a final step in the consultation process, First Nations should be informed of forestry decisions taken, and how consideration was given to aboriginal interests identified.

Below is a chart that summarizes steps for consultation activities and considerations.

Process **Considerations**



Step 1
Identify First Nations potentially impacted by proposed activity.

Step 2
Provide relevant information on proposed project / decision to First Nation. Summarize results from information sharing (concerns raised, measures proposed by companies, etc.)

If necessary, contact region, Aboriginal Affairs Branch / AG to receive advice on whether to seek a soundness of claim assessment.

Step 3
Where information indicates a need to consider aboriginal interests, hold a meeting between staff, the First Nation (and wherever possible the licensee) to discuss the proposed activity and aboriginal interests.

Infringement considerations related to potential rights and title. Possible practical solutions.

Step 4
Consider / address the nature of aboriginal interests raised and consultation process to date.

Review results from strength of claim assessments (if applicable); justification / mitigation measures related to aboriginal interests; and internal advice related to potential accommodation measures.

Step 5
Government accommodation measures.

Receive government direction on proposed method of attempting to substantially address concerns/provide accommodation. Consistency and coordination with other agencies.

Step 6
Final decision and rationale. Follow up with First Nations.

Final decision and follow up.

References

No applicable references.

MINISTRY OF FORESTS
CONSULTATION GUIDELINES
2003

Background and Context

This document has been drafted to provide guidance regarding Ministry of Forests consultation activities, and is consistent with the Provincial Consultation Policy (2002), and the Ministry of Forests Policy on Aboriginal Rights and Title. The term "aboriginal interests" is used throughout this document to refer to potentially existing aboriginal rights and/or title.

This document is not intended to provide a definition of aboriginal rights or title, but provides guidance and direction to Ministry of Forests staff where forest management decisions may potentially infringe aboriginal interests.

The Provincial Government and First Nations may have differing viewpoints regarding the nature, extent, and locations of aboriginal rights and/or title in British Columbia. In the absence of further definition of aboriginal rights and/or title, particularly in terms of where those interests actually exist "on the ground," the following outlines the Ministry of Forests' approach to issues concerning unproven aboriginal rights and title, in a manner that is consistent with direction from the courts.

For additional context, it is recommended that staff review the summaries of recent court decisions and overviews concerning aboriginal rights and title contained in the Provincial Consultation Policy.

The Ministry of Forests may develop consultation procedures or processes with First Nations to establish mutually acceptable and efficient processes of consultation. This document provides general direction to staff in carrying out consultations with First Nations where a formal consultation procedure or process has not been developed. Any consultation processes that are negotiated must be consistent with the Ministry of Forests Policy on Aboriginal Rights and Title, and should be reviewed through the Aboriginal Affairs Branch and Ministry of Attorney General before being finalized.

The following procedures are to assist staff in addressing aboriginal interests in statutory decisions. Flexibility exists within each step to allow staff to develop processes that are responsive to specific issues or concerns. Districts and regions may develop further processes that are consistent with this document. The Ministry of Forests will rely on working relationships between local staff and aboriginal groups to carry out consultation in a flexible, workable and efficient manner.

The following pages outline a process to determine the appropriate level and method of consultation. They provide a framework and standards for consultation, ensuring that consultation practices are consistent across the Ministry of Forests.

THE CONSULTATION PROCESS GENERAL

Steps should be taken to consult with First Nations early in the process, prior to making forestry decisions. As consultation is a "two-way street" requiring First Nations to participate in consultation processes, forest management decisions will continue to be made in cases where a First Nation chooses not to participate in consultation processes.

During consultation processes all reasonable steps must be taken to:

- identify potentially affected aboriginal groups,
- provide them with all relevant and reasonably available information regarding the proposed forest management activity,
- request information from them which will assist in the identification of, and provide a basis for any claims of aboriginal interests, and
- consider and address that information in relation to the potential for infringement of aboriginal interests by forest decisions.

As aboriginal interests are held by collectives rather than individuals, staff should deal with appropriate representatives of aboriginal groups (usually Chief and Council, or those authorized by Chief and Council).

It is recommended that consultation begin with a description of proposed forest activities and general considerations of aboriginal interests within potentially affected areas. First Nations responses (that may be related to aboriginal interests) from these initial discussions will guide the level and scope of subsequent consultation processes.

Not all situations will require consultation beyond the initial stages of informing a First Nation of a proposed project's scope and providing an opportunity for input. However, it is important to consider statutory decisions on a case-by-case basis in order to employ an appropriate level of consultation for that situation (i.e. informing only, carrying out further research into the strength of a claim, calling for further consultation, or otherwise).

Licensee Involvement

In some instances, licensees may be required to undertake the information sharing component of consultation activities, with the role of:

- explaining proposed forest activities,
- gathering information on aboriginal interests and issues for reporting to ministry staff, and
- suggesting measures that could address aboriginal interests and concerns prior to requesting statutory decisions.

Licensee involvement in the consultation process will vary according to the type of activity.

Treaty Issues

Treaty rights are rights held by specific aboriginal groups under a particular treaty. They are also recognized and affirmed in Section 35 of the *Constitution Act, 1982*.
Treaty rights vary in scope from one treaty to the next, and also between historic and modern treaties (sometimes referred to as land claim agreements). Historic treaties (such as Treaty 8) generally serve to extinguish aboriginal title and/or rights in relation to the land, replacing them with treaty rights. Land claim agreements (such as the Nisga'a Agreement) may modify existing aboriginal rights and title to be defined treaty rights.

When dealing with treaty rights or treaty issues, staff should be aware that treaty provisions may limit the scope of applicability of this policy and may include consultation requirements in addition to those described in this policy. More specifically, the approach for consultation efforts involving a number of First Nations should be reviewed carefully when a treaty First Nation is involved, as a different method to consultation will likely be required. Staff should contact Regional Aboriginal Affairs Managers, Aboriginal Affairs Branch or Ministry of Attorney General to discuss the terms of a particular treaty.

Discussion – Prioritizing Consultation Activities

First Nations often state that they are not able to keep up with the volume of referrals sent by the Ministry of Forests, and the ministry shares this concern. Two areas of effort can help to address this concern:

1. Where possible, districts should hold discussions with First Nations on the different forms of forest management activities on which they wish to receive information and those activities if any, about which they do not wish to be consulted. These discussions will focus the efforts of consultation to areas of mutual priority.

2. **Where consultations with the First Nation reveal that the soundness of the potential claim is relatively low**, a number of factors may also be considered to evaluate the degree of further consultation that needs to be undertaken before the approval of a particular activity. These include:
    - the potential impact of the proposed forest activity on aboriginal interests;
    - the nature of the land at issue;
    - emergency measures; and
    - public safety.

Consideration of these factors in setting priorities for consultation, along with discussions with First Nations on desired areas of consultation, will enable the Ministry of Forests and First Nations to conduct more productive consultation on activities that are particularly critical to both parties.

Approaches to Consultation

A number of suggested approaches to consultation for different Ministry of Forests activity areas are provided in the following sections:

1. Operational activities (e.g. forest development plans, forest stewardship plans, range use plans)
2. AAC determinations
3. Other statutory decisions (tenure replacement, new tenures, tenure sales/transfers)

PROCESS STEPS FOR OPERATIONAL CONSULTATION

Step	Activities
1	• If not already done, districts and/or licensees identify First Nation(s) that may be potentially affected by the proposed forest activity, taking into account overlapping First Nations asserted territories. • If necessary, contact other line ministries to determine if they dealt with similar situations or have received advice from AG's / DMs Committee regarding the particular First Nation. • Notify and provide relevant information to the First Nation(s) about the proposed forest management activity. Correspondence explaining the location, nature, and extent of the proposed activity should provide aboriginal groups with an understanding of the on-the-ground impact of the proposed activity. Technical and descriptive information, such as diagrams and appropriate mapping products depicting the location of the proposed activity, should be sent or delivered to the offices of the potentially affected First Nations. Provide an opportunity for the First Nation(s) to have the information explained to them. • During this exchange between First Nations, districts and/or licensees, First Nations will have the opportunity to provide any comments and concerns that are directly related to the proposed activities, along with any explicit examples of how their aboriginal interests may be impacted by the proposed activity. Individuals engaging in consultation are to record each of the aboriginal interests brought forward by the First Nation. • First Nations who expect consultation to reflect their claim of aboriginal rights or title will need to provide information to support, or clarify the basis for, those claims. • Further meetings may be necessary to address aboriginal interests where the First Nation requires time to review the operational information.
2	• The district reviews full documentation of results from information sharing activities with the First Nation, along with any possible proposed mitigative measures. • Document and consider information such as whether the FN was settled in the area or nomadic, TUS info, AIA's, location of Indian reserves, and other information related to aboriginal interests. • Determine the necessity of further consultation in accordance with the soundness of the claim for the area in question and the likely degree of infringement. This may require discussions with headquarters staff to examine the cumulative information available regarding the First Nation in question, such as data from past consultations that provide a sense of the soundness of their potential claim. Consideration on the soundness of a claim may require advice from Aboriginal Affairs Branch and / or Ministry of Attorney General. Staff from Aboriginal Affairs Branch, the Ministry of Sustainable Resource Management, and the Aboriginal Law Group of the Ministry of Attorney General may be able to provide guidance in this regard.

3	• A meeting should be held with the relevant First Nation(s) to obtain specific information concerning the length or timeframes of use or occupation, location, kind, and importance of aboriginal interests, if any, within the operational plan area or the area that will be affected by the proposed activity, as appropriate. Consider measures that may be available to address interests and concerns raised. Where possible, initiate processes to facilitate ongoing communication between the Ministry and the First Nation (and other parties if appropriate) with respect to further decisions that will be made regarding the forest activity. • Where information is not provided by the potentially affected First Nation(s), Ministry staff should make efforts to gather information that is available on reasonable inquiry regarding the potential existence of aboriginal interests in the forest management area. • It is important that all reasonable efforts have been made to initiate and carry out a consultation process with the affected First Nation. If the affected First Nation refuses to participate, or will only participate on a "without prejudice" basis (which has the same effect as refusing to participate), reasonable steps should be taken to inform them of operational planning processes or decisions being made on an ongoing basis and to request their participation in them. Refusal to participate, or insistence on "without prejudice" participation, is not a reason for delaying the decision-making process. In situations where a First Nation says that consultation activities are "without prejudice", explain to the First Nation that the Crown is carrying out consultation activities in fulfillment of their legal duties associated with aboriginal rights and title. • At this stage, licensees may propose and discuss adjustments to operational plans in relation to stated aboriginal interests.
4	• Carry out internal consideration processes that will seek to address concerns raised by the First Nation(s) in respect of aboriginal interests, if any, which come to light through the consultation and information gathering processes outlined above, including the geographic location and extent of such an interest. • Situations where there is a strong claim (i.e. where there is a reasonable probability of aboriginal title or rights being present) will increase the likelihood that an infringement may occur and warrant deeper levels of consultation and activities that seek to address the potential interest. These situations may require further consultation, or further mitigative measures (adjustments to development plans), etc. • Seek to address the concerns brought forward by the First Nation during consultation; if applicable, explore possible accommodation measures with the Aboriginal Affairs Branch, Ministry of Attorney General, and/or Ministry Executive. Accommodation measures (economic/cultural) should be consistent with precedents set across government.
5	• Draft a final decision and a rationale for decision. Notify relevant parties (More discussion on this stage in the section "Considerations for the Consultation Process"--Stage 4).

SECTION II– Timber Supply Review

Overview

The Timber Supply Review consultation procedures for First Nations will ensure that First Nations have an opportunity to raise concerns and provide input on the data assumptions and the timber supply analysis. All First Nations input will be provided to the Chief Forester for consideration in the AAC determination.

The following procedures should, where possible, adhere to the TSR schedule, and to resource, policy and legal constraints of government. By working with these procedures, licensees in the case of TFLs, or the BCFS regional and/or district staff in the case of TSAs, will ensure that First Nations who have an interest in the area develop an understanding of the TSR process, thereby encouraging their meaningful participation.

Step 1 - Data/Information package

- Appoint a contact person to 1) document the actual steps undertaken for the consultation process, and 2) be the point person to answer any TSR questions prior to and during First Nations consultation. That individual should contact the TSR Regional Coordinator for available information regarding potentially interested First Nations.
- Once the data package for a TSA, or an information package for a TFL, has been drafted, the licensee (TFL) or BCFS staff (TSA) will send the First Nation(s) the following material: a letter explaining the objectives and timelines of the TSR process, a brochure detailing the legislative requirements and overall TSR process for a TSA or TFL, and the draft data/information package. The letter will indicate that First Nations are encouraged to participate and can request a timber supply review presentation or meeting, at which time the process, data and any TSR-related issues can be discussed.
- After the material has been sent out, the licensee (TFL) or BCFS staff (TSA) will follow up to determine whether the First Nation(s) wish to participate further. If further participation is requested, then discuss the options for meeting with the band or tribal council to discuss the TSR.
- If possible, the assigned timber supply analyst should attend the session(s) and provide examples of the type of information that could be included in the data/information package with respect to First Nations' issues. For example, First Nations data pertaining to culturally modified trees, traditional use areas, cultural heritage resources or other site-specific information could be included in the data/information package.
- First Nations should be provided with sufficient time (suggested 60 days) to review and provide comments on the data/information package. First Nations should be encouraged to provide comments in writing (copies to the licensee for TFLs or to BCFS for TSAs) to ensure their interests are objectively communicated to the Chief Forester.
- Determine whether there is an issue regarding strength of claim. If necessary, gather available information related to the strength of any claims of aboriginal rights / title for First Nations within the TSA area. Aboriginal Affairs Branch and Ministry of Attorney General may have to provide assistance and guidance during this consideration.
- Information related to strength of claim should be considered and addressed in the preparation of the upcoming analysis report.

Step 2 - Analysis Report

- Upon release of the analysis report for a TFL or the analysis report and public discussion paper for a TSA, licensees (TFL) or BCFS (TSA) staff will send a covering letter and copies of the analysis reports to the First Nations.
- As with the data/information package, after the material has been sent out, follow up to determine whether the First Nation(s) wish to participate further. If further participation is desired, then discuss the options, for example meeting with the band or tribal council with TSR as an agenda item.
- During this stage, if aboriginal interests warrant further consideration, offer to meet with those First Nations to discuss those interests.
- First Nations should be provided with sufficient time (suggested 60 days) to review and provide comments on the analysis report package. First Nations should be encouraged to provide comments in writing to ensure their interests are objectively communicated to the chief forester.

Step 3 -AAC determination

- Ensure that all comments and submissions are presented to the Chief Forester during the AAC determination and included in the summary of public input.
- When the rationale report and summary of public input is released, send copies to the First Nation(s).

SECTION III – Administrative Activities and Decisions

General

The following provides a suggested approach to consultation with First Nations for a number of different decisions within the Ministry of Forests' statutory authority. Ministry staff (and in some cases, licensees) will engage in consultation for a number of administrative decisions with First Nations who may have a sound claim with respect to affected areas.

A recommended approach for consultation on different tenure types and activities is provided below to address the great number of forestry activities that may be of interest to First Nations, and that may impact aboriginal interests, and to provide an effective consultation approach for each.

Cases where a First Nation may have an apparently sound claim of aboriginal rights and / or title will warrant relatively deeper levels of consultation.

Consolidating Administrative Consultation

Where possible, the ministry should take steps to consolidate consultation activities on administrative decisions at the TSA level. The process of "batching" administrative consultation activities can be conducted to reflect the nature of the impact of these activities on the landbase, and also to address the volume of referrals that would be provided to First Nations.

Batching consultation for administrative activities will provide a more holistic picture of forest development at the TSA level, and provide a more meaningful opportunity for ministry staff and First Nations to discuss forest planning. RTEB staff have identified the following tenure types that may fit into a consolidated consultation process:

- Forest licenses
- Pulpwood agreements
- Woodlots
- Timber sale licenses
- Non replaceable forest licenses

Administrative Consultation - General Process

Consultation processes will involve discussions related to the nature of the proposed activity, explain the nature of the tenure and its associated legislated requirements, along with any conditions that may be attached to the tenure. Staff should also encourage the First Nation to raise any aboriginal interests in relation to the decision and to describe and provide evidence that shows the basis of their title or rights claim, if one is made.

Suggested procedure for administrative considerations involving First Nations who may have a sound claim with respect to affected areas:

1. Consultation meetings between the interested First Nation, the relevant tenure holder and district and/or headquarters staff will be organized under existing legislated timelines. These meetings will provide:
   - an overview of administrative process and timelines,
   - the terms of the specific tenure / license,
   - subsequent planning processes to take place under the tenure,
   - abilities to address interests raised under the legislative framework, and
   - tenure holder's planned operational approach (if available).

2. First Nations are encouraged to raise, explain and discuss any aboriginal interests they may have in relation to the statutory decision and to describe and provide evidence that shows the basis of their claim(s) if one is made.

3. MOF staff will document and summarize this information.

   In situations where guidance on consultation activities and the soundness of a claim is sought, staff should:
   - Forward available information related to the factors under step 1 above, along with other information provided by the First Nation, to the Aboriginal Affairs Branch;
   - Aboriginal Affairs Branch will review and discuss information/analysis requests with the Ministry of Attorney General;
   - Advice regarding the soundness of claim analysis will be discussed between staff from the district, Aboriginal Affairs Branch and Ministry of Attorney General;
   - A recommended approach for the situation will be developed based on this consideration process.

4. Issues of proposed adjustments / accommodations in relation to aboriginal interests should be discussed with the Aboriginal Affairs Branch, Ministry of Attorney General and/or, Ministry Executive as necessary, prior to making any accommodations.

5. Any information received from the First Nation and how interests raised will be addressed or accommodated will be provided to the decision-maker exercising the statutory authority in relation to the decision.

CONSIDERATIONS for the CONSULTATION PROCESSES

The following sections outline necessary considerations for information gathered during consultation on forestry decisions. Each of the stages below contain considerations to help decision makers focus relevant information for the forestry decision in question.

1. **From data gathered during consultation and from provincial sources, consider the soundness of the potential claim for aboriginal interests in relation to the proposed activity (Consideration Stages 1A, 1B);**
2. **Determine whether there may be an infringement, and if so, the degree of likely impact (Consideration Stages 2A, 2B);**
3. **Determine the justifiability of any likely infringement and the necessity for accommodation of the aboriginal interest (Consideration Stages 3A, 3B).**

CONSIDERATION STAGE 1A Documenting and considering the potential for aboriginal rights

Rights Considerations

If the aboriginal interest can best be characterized as resource use for purposes that were integral to that particular distinctive aboriginal culture, but not exclusive use and occupation of a particular land area, then that aboriginal interest may signal an aboriginal right (as distinct from aboriginal title). Aboriginal rights may include (but are not necessarily limited to) fishing and hunting.

The existence of an aboriginal right is primarily a question of historical fact, which can only conclusively be determined by the courts or modified and redefined through the treaty process. However, in the absence of court rulings on the scope and location of particular rights or title, or a treaty, circumstances require Ministry staff to take reasonable steps to obtain relevant information, and to use that information to determine:

1. Whether the potential for aboriginal rights exists in the proposed forest management area, and if so,
2. the nature, location and extent of those potential rights.

Determine with available information whether there may be potential aboriginal rights in the management area and if so, the nature, content, location of any such potential rights, and who can assert them. Relevant considerations will usually include:

- Did aboriginal people use land or resources within the proposed forest management area prior to contact with European society?
- What was the nature of the use, and where within the forest management area did it take place?
- Can the uses fairly be described as integral to the culture of the particular aboriginal societies in question? If assistance is necessary in this regard, staff should consult the Aboriginal Affairs Branch.
- Other information provided from provincial sources on the aboriginal interests of the First Nation.

If there are potential aboriginal rights, the considerations in Stage 2A (in addition to those in 1B, below) should be used.

CONSIDERATION STAGE 1B Considering the potential for aboriginal title

Title Considerations

If the aboriginal interest as of 1846 was **exclusive** use and occupation of a particular area of land, there may be a sound claim for potential aboriginal title in that area. For example, aboriginal title may exist over (but is not necessarily limited to) lands near a reserve or former settlement, areas of documented exclusive traditional use or archaeological sites indicating exclusive occupation, lands subject to a specific claim, and lands close to known fishing, hunting, trapping, gathering or cultural sites.

This stage may require correspondence with headquarters staff to examine the cumulative information regarding the First Nation in question, such as data from past consultations that provide a sense of the soundness of their claim. Staff from Aboriginal Affairs Branch, the Ministry of Sustainable Resource Management, and the Aboriginal Law Group of the Ministry of Attorney General may have to provide guidance in this regard. Any assessment on the soundness of claim is to remain internal to government, and field staff are not responsible to make this assessment independently.

The following factors are relevant in considering whether the potential for aboriginal title warrants further examination within the proposed forest management area:

- Has the land been Crown land since 1846?
- Are the affected lands near or adjacent to a reserve or former settlement or village sites?
- Is the land in areas of traditional use or archaeological sites?
- Is the land used for aboriginal activities?
- Has there been significant notice of interest from the First Nation?
- Is the land subject to a specific claim?
- Is the land close to known fishing, hunting, trapping, gathering or cultural sites?

- Other information provided from provincial sources on the potential claim of the First Nation

Other relevant factors in the consideration that may point to a reduced likelihood that aboriginal title is present as an exercisable interest necessitating consultation may include:

- The land is already subject to an existing treaty.
- The land is already substantially altered by way of development that precludes continuing aboriginal use.
- The land is distant from reserves or settlement areas with no known aboriginal interests.
- The land is already alienated or on a long-term lease to third parties.
- There is no indication that an aboriginal group has maintained a substantial connection or special bond with the land since 1846.
- The particular area of land was subject to disputes between two or more First Nations as of 1846.

In situations where guidance on consultation activities and the soundness of a claim is sought, staff should:

1. Forward available information related to the factors above, along with other information provided by the First Nation during discussions, to the Aboriginal Affairs Branch;
2. Aboriginal Affairs Branch will review and discuss information/analysis requests with the Ministry of Attorney General;
3. Advice regarding the soundness of claim analysis will be discussed between staff from the district, Aboriginal Affairs Branch and Ministry of Attorney General;
4. A recommended approach for the situation will be developed based on this consideration process.

CONSIDERATION STAGE 2: Infringement examinations

Since the infringement considerations are different for aboriginal rights than for aboriginal title, they are considered separately.

CONSIDERATION STAGE 2A: Infringement considerations related to potential rights

Rights Considerations

Infringement within the meaning of this policy occurs where a forest management activity will physically prevent or impair the exercise of an aboriginal right. Determining whether or not the proposed forest management activity will infringe the identified potential for aboriginal rights involves a consideration of the following factors:

- the nature, location and extent of the potential aboriginal right in relation to the proposed forest management activity;
- the terms and purpose of the forest management activity;
- the nature and extent of the forest management rights and obligations of the licensee/permittee; and,
- whether the potential aboriginal right will be precluded by the forest management activity or may still be practiced in the preferred manner without undue hardship on the remainder of the traditional territory, unaffected by the forest activity.

Infringement does not occur where:

- forest management activities will have no impact on potential aboriginal rights; or
- potentially existing aboriginal rights can be accommodated with the activities specified within the tenure.

An infringement will occur if the proposed forest management activity:

- imposes undue hardship on the First Nation;
- denies the First Nation their preferred means of exercising the right; or
- limits the potential aboriginal right unreasonably in the circumstances.

If an infringement may occur, then go to Stage 3A (in addition to addressing considerations under 2B, below).

CONSIDERATION STAGE 2B: Infringement considerations related to potential title

Title Considerations

If it is determined that the potential for aboriginal title needs to be addressed in decision making processes, then the potential degree of infringement should be examined to assist in determining whether further consultation or mitigative measures are required.

Examine the extent to which the activity will affect the landbase.

- Does the proposed activity interfere with aboriginal activities on the land or limit what the First Nation might be able to do with the land?
- Will the forest activity change or damage the nature of the land?
- Will any of the land be sold to third parties as part of this activity?
- Will long term leases or tenures be provided to third parties?
- Are the leases or tenures renewable?

If one or a combination of the above considerations indicate an impact on the landbase (i.e. impacts not temporary in nature, little chance of the land being returned to its original state), decision makers should carry out the steps in STAGE 3B, below.

CONSIDERATION STAGE 3A: Justification / accommodation considerations related to aboriginal rights issues

Rights Considerations

Any infringement of potential aboriginal rights must be justifiable according the principles found in the Supreme Court of Canada's judgement in *Sparrow*:

1. Is there a valid legislative objective, such as conservation?
2. After conservation measures are taken, has priority been given to the aboriginal right?
3. Have other considerations been addressed (i.e.: Is there as little infringement as possible? Has there been appropriate consultation?).

If it appears that the proposed forest management activity may infringe on a potential aboriginal right, the following steps should be taken to attempt to accommodate the aboriginal right and forest activity:

1. In conjunction with discussions with the First Nation, identify ways to reconcile the potential aboriginal right and the forest management activity, by attempting to address their concerns if possible.

2. Consult with affected First Nations and third parties with respect to proposed accommodations or attempts at addressing the First Nation's concerns.

3. In considering whether reconciliation of competing interests is possible, the following considerations can be taken into account:
    - the potential impact of the forest activity on the potential aboriginal right
    - measures to limit possible impact to the aboriginal right (for example, relocate forest activity or identify alternate areas where the aboriginal right may be exercised)
    - the economic implications for the local community and affected First Nations
    - conservation or resource management concerns
    - whether the potential aboriginal right is site specific, or likely in relation to a wider area

4. Where an infringement of a potential aboriginal right is likely, statutory decision makers should request assistance before making a final decision, through the appropriate channels, from the Regional Manager, Aboriginal Affairs Branch, and the Ministry of Attorney General. A final decision should include the considerations detailed in Stage 4.

CONSIDERATION STAGE 3B: Justification / accommodation considerations related to aboriginal title issues

Title Considerations

In circumstance of infringement of aboriginal title, courts will seek to determine whether the legislative objectives of the Crown were compelling and substantial. Forestry has been included as a form of activity that could qualify as a compelling and substantial legislative objective, provided that proper consideration has been given to a number of factors.

If one or a combination of the considerations in the infringement examination indicate an effect on the landbase (i.e. long-term impacts, little chance of reclaiming the land to its original state), flowing from considerations under 2B, above, decision makers should

1. Examine the following considerations along with advice from Aboriginal Affairs Branch and Legal Services Branch, and where necessary, direction from ministry executive:
   - the relative soundness of the claim for aboriginal title;
   - the potential impact of the forest activity on the landbase (extent of potential infringement);
   - the level of consultation undertaken to date; and
   - possible mitigative measures that may be taken in an attempt to accommodate potential title, or address the concerns of the First Nation, and minimize the project's impact

2. Identify ways to mitigate impacts of forest development decisions to attempt to accommodate the potential aboriginal title or otherwise attempt to substantially address the First Nation's concerns. These may include providing for or supporting the First Nation's participation in, or receiving some form of benefit from or in consideration of the activity and/or the First Nation's involvement in monitoring operations. These may also include changing plans or suggesting that licensees change or adjust plans to avoid areas of high importance, and other measures.

3. Statutory decision makers should request further assistance to provide advice, such as the Regional Manager and Aboriginal Affairs Branch, (and coordinated through Aboriginal Affairs Branch): Assistant Deputy Minister, Executive, and the Ministry of Attorney General where an infringement of an potential title appears likely, or where a decision not to proceed with development is made on the basis of aboriginal interests.

4. Consult further with affected First Nations and third parties with respect to proposed mitigation and/or accommodation measures in response to aboriginal interests. Depending on the degree or level of infringement identified in Stage 2B, invite First Nations to participate more directly in planning, and consider options associated with mitigation and/or accommodation measures seeking to address the potential title.

5. Along with advice from Aboriginal Affairs Branch, and Ministry of Attorney General, determine whether the level of consultation and mitigation and/or accomodation measures are sufficient. A final decision should include the considerations detailed in Stage 4.

CONSIDERATION STAGE 4: The final decision

After having considered the factors summarized in the previous stage, the decision maker will make a final decision with respect to:

- whether the proposed forest management activity will take place and on what terms
- levels of consultation undertaken in relation to information gathered on aboriginal interests
- how a First Nation's interests and concerns were appropriately considered and, where necessary,
- accommodated or substantially addressed in the decision making processes and
- instructions to proponents regarding mitigation measures where appropriate.

Statutory decision makers should inform the First Nation in writing of the decision. Reasons for decisions may be made available to First Nations on request.

Documentation/Rationale

Good documentation regarding the First Nations consultation process should be kept.

Records should include:

- First Nation(s) contacted and why,
- communication log of telephone conversations, discussions, letters, meeting, activities (i.e., studies), correspondence between licensees and First Nations and contact attempts made by the Ministry
- responses provided,
- considerations of aboriginal interests, including the nature of those interests,
- actions taken to examine the nature and extent of aboriginal interests which may be present,
- description of how the level of consultation/mitigative measures have sought to accommodate aboriginal interests,
- actions taken to avoid infringement of aboriginal interests, and
- aboriginal concerns where no action was taken and why.

Rationales for decision should document how aboriginal interests brought forward by the First Nation were addressed through consultation and planning processes.

Chapter 16 - Enforcement
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Ministry of Forests
POLICY MANUAL

Subject: Designation of Forests Officers
Branch: Enforcement Branch
Signature: Gerry R. Armstrong

No: **16.1**
Effective: 01-June-95

Scope

This policy covers the designation of Forest Officers by the Minister of Forests, Chief Forester, or Regional Manager as allowed by the *Forest Act*, *Range Act*, and pursuant regulations.

Purpose

To ensure that Forest Officers exercising authority as provided for under the *Forest Act*, *Range Act*, and pursuant regulations are designated for that purpose.

Definitions

For the purposes of this policy:

"Forest Officer" means a person employed in the Ministry of Forests who is designated by name or title to be a Forest Officer by the Minister, Chief Forester, or a Regional Manager

Policy

It is Ministry policy that:

Power to Designate

The power to designate Forest Officers is restricted to Regional Managers, the Chief Forester, or the Minister of Forests.

Recommendation for Designation

Personnel employed in district offices will be recommended by the District Manager for designation as a Forest Officer. Personnel employed in a regional office will be recommended by the appropriate Staff Manager for designation as a Forest Officer. These recommendations will be forwarded to the Regional Manager on an FS 835, *Forest Officer Designation* form, for approval.

Recommendations of branch employees for Forest Officer designation will be forwarded through the appropriate Branch Director for their recommendation, then forwarded to the Chief Forester. Designation of Forest Officers by the Chief Forester or Minister of Forests will normally be on an FS 835, *Forest Officer Designation* form, but may be in writing with application to a position, or person exercising a function, as opposed to an individual.

Recommendations of protection staff for Forest Officer designation will be forwarded, by the Fire Centre Manager of each Fire Control Centre, to Protection Branch. Protection Branch will forward these recommendations to the Chief Forester for designation.

Recommendations for Forest Officer designations should be made by position or functional job title, may alternatively be made by name, but should NOT be made by both name and title.

Authority upon Designation

Upon designation as a Forest Officer there is no inherent authority.

Designation of personnel as a Forest Officer does not allow the execution of powers. Specific authorization by the District Manager, Regional Manager, Chief Forester, or Minister of Forests on the FS 836, *Forest Officer Authorization* form, is required prior to exercising Forest Officer authority.

Minimum requirements

Forest Officer designation will be restricted to employees of the Ministry of Forests who have:

- demonstrated a clear understanding of the Acts and regulations
- attended relevant training which is normally available
- job duties or functions requiring designation

Monitoring and Tracking

Forest Officer designations of district, regional, and branch staff will normally be tracked by the originating office. All copies should be kept in a central file in the originating office.

Originals of all FS 835, *Forest Officer Designation* forms, will be kept in a central file in the signatory's office.

A review of Forest Officer designation to ensure consistency with minimum requirements will normally be done on an annual basis concurrent with personnel performance planning and review.

Renewals

It is recommended that designations be reviewed on an annual basis concurrent with Personnel Performance Planning and Review. Designation by a Regional Manager, Chief Forester, or Minister of Forests who have been succeeded remains valid until rescinded.

Renewal is not required unless one of the following occurs:

- transfer to another district, region, or division
- transfer to a different function or position when designation is made on that basis
- the designee's job description no longer requires designation as a Forest Officer

Area of Jurisdiction

Forest Officer designation by a Regional Manager is only valid in that region, except for temporary assignment not exceeding six months. Temporary transfer of Forest Officer status between regions should be acknowledged by both parties in writing.

Designation by the Chief Forester or Minister of Forests is valid across the province unless specified otherwise.

Designations by the Chief Forester or Minister of Forests to a position or person acting in a particular function remain valid until rescinded.

References

- *Forest Act*
- *Range Act*

Ministry of Forests
POLICY MANUAL

Subject: Authorization of Forest Officers
Branch: Enforcement Branch
Signature: Gerry R. Armstrong

No: **16.2**
Effective: 01-June-95

Scope

This policy covers the authorization of designated Forest Officers, as granted by a District Manager, Regional Manager, the Chief Forester, or the Minister of Forests.

Purpose

To ensure that Forest Officers exercising authority under the *Forest Act*, *Range Act*, and pursuant regulations are properly authorized for that purpose.

Definitions

For the purposes of this policy:

"Forest Officer" means a person employed in the Ministry of Forests who is designated by name or title to be a Forest Officer by the Minister, Chief Forester, or a Regional Manager

Policy

It is Ministry policy that:

Power to Authorize

The ability to authorize Forest Officers to execute the powers of individual sections in the *Forest Act*, *Range Act*, and pursuant regulations is held by District Managers, Regional Managers, the Chief Forester, or Minister of Forests. Several sections allow authorization to be delegated by more than one official whereas other sections require authorization from specific officials.

A complete list of sections in the *Forest Act*, *Range Act* and associated regulations that require authorization of Forest Officers are listed on the FS 836, *Forest Officer Authorization* form. These authorizations have been grouped by act, regulation, and authorizing official.

Recommendation for Authorization

Forest Officers employed in district offices will be given authorization to exercise authority under specific sections of the *Forest Act*, *Range Act*, and pursuant regulations by the District Manager for those authorizations which the District Manager can authorize. Recommendations for this authorization will be on an FS 836, *Forest Officer Authorization* form, prepared for the District Manager's signature.

Forest Officers employed in district and regional offices will be given authorization to exercise authority under specific sections of the *Forest Act*, *Range Act*, and pursuant regulations by the Regional Manager, for those authorizations which only Regional Manager or higher-level officials, are able to authorize.

Forest Officers employed in a district will be recommended for authorization by the Regional Manager only for legislation which the District Manager is not empowered to authorize. Recommendations for this authorization will be on an FS 836, *Forest Officer Authorization* form, prepared for the Regional Manager's signature.

Forest Officers employed in district, regional, and branch offices will be given authorization to exercise authority under specific sections of the *Forest Act*, *Range Act*, and pursuant regulations by the Chief Forester for those authorizations which only the Chief Forester, or higher-level officials can designate. District and regional staff will be recommended for authorization by the Chief Forester only for legislation which the District Manager and Regional Manager are not empowered to authorize. Recommendations for this authorization will be on an FS 836, *Forest Officer Authorization* form, prepared for the Chief Forester's signature.

Personnel employed in district, regional, and branch offices will be given authorization under specific sections of the *Forest Act*, *Range Act*, and pursuant regulations by the Minister of Forests for those authorizations which only the Minister of Forests can authorize. Recommendations for this authorization will be on an FS 836, *Forest Officer Authorization* form, prepared for the Minister of Forests' signature.

Blanket Authorization

Authorization of Forest Officers will normally be on a FS 836, *Forest Officer Authorization* form, but may be in writing with application to a position, or person exercising a function, as opposed to an individual.

Authorizations of this nature require listing of the applicable regulations and sections of the Acts which apply. Care is necessary to ensure the appropriate signatures are on the letter of authorization.

Monitoring and Tracking

Upon signature by the Minister of Forests, Chief Forester, Regional Manager, and/or District Manager of the FS 836, *Forest Officer Authorization* form, or issuance of an authorization letter the original signed copy will be forwarded to the originating office for filing in a central location. Additional copies will be handled according to local protocol and other procedures.

It is a responsibility of the individual Forest Officer to ensure their authorization is current and sufficient for their job requirements. The Enforcement Branch will monitor Forest Officer designation and authorization on a periodic basis through requests to the appropriate office.

Minimum Requirements

Forest Officer authorization will be restricted to employees of the Ministry of Forests who have:

- demonstrated a clear understanding of the *Forest Act*, *Range Act*, and associated regulations, for which they are to be authorized
- attended relevant training which is normally available; and
- job duties or functions requiring execution of authorization.

Renewals

It is recommended that authorizations of Forest Officers be reviewed on an annual basis, concurrent with personnel performance planning and review. Renewal or upgrade of the FS 836, *Forest Officer Authorization* form, is not required unless:

- permanent transfer occurs to another district, region, or division; or
- a significant change in duties requires variation of authorization.

Transferability

Forest Officer authorization by a Regional Manager or District Manager is only valid in their respective region or district. Authorization by the Chief Forester or Minister of Forests is valid across the province unless specified otherwise.

References

- *Forest Act*
- *Range Act*
- *Ministry of Forests Act*

Ministry of Forests
POLICY MANUAL

Subject: Designation and Authorization of Forests Officials
Branch: Enforcement Branch
Signature: Gerry R. Armstrong

No: **16.3**
Effective: 15-June-95

Scope

This policy covers the designation and authorization of forest officials by the Minister of Forests or his or her designate as provided in the *Forest Practices Code of British Columbia Act*.

Purpose

To ensure that forest officials exercising authority under the *Forest Practices Code of British Columbia Act* and regulations are designated for that purpose and that their actions are legally defensible.

Definitions

For the purposes of this policy:

"designated forest official" means a person employed in the Ministry of Forests who is designated by name or title to be a designated forest official by the Minister of that Ministry for the purpose of a provision of the *Forest Practices Code of British Columbia Act* or regulations set out in the designation

"determination" means any act, omission, decision, procedure, levy, order, or other determination made under the *Forest Practices Code of British Columbia Act*, the regulations, or standards by an official or a senior official

"forest officer" means a person employed in the Ministry of Forests who is designated by name or title to be a forest officer by the Minister, Chief Forester, or a Regional Manager

"official" means a designated forest official

Policy

It is Ministry policy that:

Power to Designate

The power to designate a person as a forest official is held by the Minister of Forests or an appropriate official or designate. The appropriate official for designation of forest officials in the Ministry of Forests is the Assistant Deputy Minister of Operations.

To be valid, all recommendations for designation of forest officials must be signed by the Assistant Deputy Minister of Operations.

Recommendation for Designation

Recommendations for designation as a "forest official" shall be forwarded through regional and division offices to the Assistant Deputy Minister of Operations. Recommendations for designation will include the full name of the individual, or position, or functional job title. In order that a senior official may administer all sections of the Act and regulations, the senior official must be designated as a forest official. Designation should not be done by both name and position, or name and job title.

Recommendations of protection staff for Forest Official designation will be forwarded, by the Fire Centre Manager of each Fire Control Centre, to Protection Branch. Protection Branch will forward these recommendations to the Assistant Deputy Minister of Operations for designation.

It is the responsibility of the senior official in each responsibility centre to ensure the designation of forest officials is current and covers all staff with relevant job responsibilities.

Recommendations originating from districts or headquarters offices will be forwarded to the appropriate regional or branch office.

Recommendation for designation will be on an FS 835A, *Designation of Forest Official* form, for approval of the Assistant Deputy Minister of Operations (see attached example).

Authority to Execute

Authorization of forest officials by the Minister of Forests or the Assistant Deputy Minister of Operations will normally be specific to an individual, but may be done on the basis of a position, or person exercising a function, as opposed to a specific individual.

With the exception of section 1(6) of the Act a forest official is, upon designation, authorized to execute all provisions of the *Forest Practices Code of British Columbia Act* and pursuant regulations. For the purpose of section 1(6) of the Act, each District Manager will authorize by name, any designated forest official the District Manager wishes to act on his or her behalf in administering those sections of the Act dealing with logging plans.

No statutory provision exists for limited authority except in the case of forest wardens and other seasonal staff (refer to *Forest Warden* policy). Notwithstanding this, specific designation to administer section 170 of the Act will be restricted to a limited number of designated forest officials.

With respect to section 170(2)(b), (c), and (d) of the Act, each District Manager will recommend, by name, those designated forest officials the District Manager feels appropriate to be specifically designated to administer those sections. This recommendation will be forwarded to the Assistant Deputy Minister of Operations for official designation.

With respect to section 170(2)(c) of the Act, each Fire Control Manager of a Fire Control Centre will recommend, by name, those designated forest officials the Fire Control Manager feels appropriate to be specifically designated to administer this section. This recommendation will be sent to Protection Branch, who will forward the recommendation to the Assistant Deputy Minister of Operations for approval.

Authority is valid throughout British Columbia at all times, including after normal work hours, weekends, and other time away from the regular workplace. It is the responsibility of the forest official to ensure that authority used after normal work hours is consistent with that which is used in the course of their normal duties.

Authorization of Enforcement Officers

Forest officials whose primary role is enforcement shall also be designated as forest officers to ensure authority under the *Forest Act*, *Range Act*, and pursuant regulations.*

* ***Forest officials require designation as forest officers to enforce the Violation Ticket Administration Regulation until amendment proposals have been approved by an Order in Council. These proposed amendments will expand ticketable violations, in conjunction with the Forest Practices Code of British Columbia Act and associated regulations.***

Minimum Requirements

All forest officials designated by name, title, or job function, should have as a minimum:

- demonstrated a clear understanding of the *Forest Practices Code of British Columbia Act, Forest Act, Range Act*, associated regulations, and the responsibilities of forest officials
- currently have, or can reasonably be expected to have, a requirement to exercise forest official authority in the course of their duties, in carrying out their function, or in occupying their position; and,
- remained current and up to date through regular training attendance and upgrading as required by policy and procedure

Tracking and Monitoring

Upon designation of personnel as forest officials, copies of the signed FS 835A will be returned to the originating office via the forwarding office.

Termination of Designation

If designated by name, forest official status remains valid until rescinded by the Assistant Deputy Minister of Operations, or until that person is no longer employed by the Ministry of Forests.

If designated by title or job function, designation remains valid until rescinded by the Assistant Deputy Minister of Operations, or employment with the Ministry of Forests ceases, or person is no longer occupying that position or job function.

Transferability and Re-designation

Forest official designation is valid throughout the province and is transferable between districts and regions without renewal.

References

- *Forest Act*
- *Range Act*
- *Forest Practices Code of British Columbia Act*

Ministry of Forests ***POLICY MANUAL***	**Subject**: Identification of Forest Officers and Forest Officials **Branch**: Enforcement Branch **Signature**: Gerry R. Armstrong	**No**: **16.5** **Effective**: 01-June-95

Scope

This policy covers the requirements for identification of designated Forest Officers and Forest Officials charged with enforcing provisions of the *Forest Act, Forest Practices Code of British Columbia Act, Range Act,* and pursuant regulations.

Purpose

To comply with the visual identification requirements of the *Forest Practices Code of British Columbia Act* and ensure the safety of staff conducting their duties.

This policy is not meant to replace the requirements of the Workers' Compensation Board.

Definitions

For the purposes of this policy:

"Forest Officer" means a person employed in the Ministry of Forests who is designated by name or title to be a Forest Officer by the Minister, Chief Forester, or a Regional Manager

"Designated Forest Official" means a person employed in the Ministry of Forests who is designated by name or title to be a designated forest official by the Minister of that Ministry for the purpose of a provision of the *Forest Practices Code of British Columbia Act* and regulations

Policy

It is Ministry policy that:

Visual Requirements

All Forest Officers must be issued a Forest Officer identification card upon designation. This identification will include a colour photograph and must be upgraded at least every five years.

All Forest Officials must be issued a Forest Official identification card upon designation. This identification will include a colour photograph and must be upgraded at least every five years.

Forest Officials (including Forest Wardens) authorized under Part 5 (Protection of Forest Resources), or Part 6 (Compliance and Enforcement) of the *Forest Practices Code of British Columbia Act*, or regulations pursuant to them, must be issued a Forest Service badge along with Forest Official picture identification. Forest Service badges are available through Enforcement Branch and distributed as other inventory using the Forest Asset Management System.

Forest Officers and Forest Officials performing roadside checks, stopping vehicles or vessels, conducting search and seizure, or working on or around industrial sites must wear high-visibility vests and use flares, lights, and other equipment as required by the Workers' Compensation Board and related policy.

Visually Identifiable Apparel

For information on visually identifiable apparel, reference should be made to applicable policy prepared by the Financial Management Branch.

Loss or Theft

Loss or theft of employee identification cards and Forest Service badges must be reported immediately to the Senior Official of that office. In the case of Forest Officials this equipment is essential in conducting their duties and reasonable effort must be made to obtain replacement identification as soon as possible.

The use of alternate or incorrect identification is not allowed. Employees without the correct identification will be prohibited from carrying out duties where its use is a requirement.

References

- *Forest Practices Code of British Columbia Act*
- *Forest Act*
- *Range Act*

Ministry of Forests
POLICY MANUAL

Subject: *Investigations*
Branch: Compliance & Enforcement Branch
Signature: Doug Konkin

No: **16.6**
Effective: 13-April-05

Scope

This policy describes the process for and documentation of investigations resulting from contraventions of the Acts.

The policy applies to all Ministry of Forests Operations Division staff who perform a compliance and enforcement function.

This policy rescinds and replaces Ministry policy 16.6 dated June 18, 1999.

Purpose

To provide consistency, professional practices, and timeliness in the investigation, recording and resolution of suspected contraventions.

Definitions

"Acts" means the *Forest Act*, the *Wildfire Act*, the *Forest Practices Code Act*, the *Forest and Range Practices Act*, the *Range Act*, the *Waste Management Act* and their Regulations.

"CIMS" means the Compliance Information Management System.

"ERA" means Enforcement Action, Administrative Review and Appeals System.

"Inspection" means an ad hoc or planned inspection by a person performing a C&E function, a person from another government agency, or a Ministry staff person from a program other than the C&E program.

"lead investigator" means the person assigned to lead any investigation by a District Compliance Leader, Regional Compliance Leader, Regional Compliance and Enforcement Manager, Compliance and Enforcement Supervisor, and or Fire Center Compliance and Enforcement Leader.

"responsible manager" means a District Compliance Leader, Regional Compliance Leader, Regional Compliance and Enforcement Manager, Compliance and Enforcement Supervisor, and or Fire Center Compliance and Enforcement Leader.

"SCS" means the scaling administration system.

Policy

It is Ministry policy that:

All Ministry personnel who observe actual or suspected contraventions of any provincial or federal legislation during the course of their duties will immediately report the details of the incident in writing to those staff within their responsibility center who have compliance [C&E] responsibilities.

At the time of discovery, all Ministry personnel will document the scene to the best of their ability.

Where it is determined that a contravention may have occurred, the "prosecution test process" outlined within Ministry Policy 16.19 *Prosecutions* will be considered and applied where applicable, and if applied will be recorded on the investigation file.

All investigations will include:

- The elements of each suspected contravention,
- All evidence necessary to meet the required burden of proof for each element of each alleged contravention,
- The circumstances surrounding the suspected contravention/s,
- The location and date of the suspected contravention/s,
- The person/s allegedly responsible for the suspected contravention/s,
- The gravity and magnitude of the suspected contravention/s,
- Any evidence of due diligence on the part of the person/s responsible,
- All efforts on the part of the person/s responsible to report the suspected contravention, and to control, cease, or mitigate the consequences of the suspected contravention, and
- Any evidence that may directly contradict the Ministry's contention that a contravention has occurred.

Where it is reasonable to make a determination of potential responsibility for any alleged contravention, the responsible person/s will be notified of the suspected contravention as soon as possible, other than where doing so may compromise the integrity of any investigation.

Discretion

The responsible manager has the discretion to assign lead investigator status for any investigation based upon training, experience, and knowledge of the legislation.

A lead investigator has the discretion to cease investigating an incident where they consider an incident to be trifling and/or not in the public interest to do so. Any such decision must be recorded in ERA with a rationale.

When determining which compliance or enforcement option to utilize or whether or not to cease any investigation, those staff with C&E responsibilities will consider the public interest in the following manner:

- The gravity and magnitude of the incident,
- The compliance history of the person/s responsible,
- Whether the non-compliance was deliberate,
- Any economic benefit on the part of the person responsible,
- Whether the contravention was repeated or continuous, and
- Co-operatives and efforts to correct the contravention.

Within this context, C&E program staff will also consider:

- The likelihood of any successful determination,
- The deterrent value of any compliance or enforcement option, considering other agency concerns and issues [e.g. the Ministry of Water, Land and Air Protection],
- The resources necessary to complete the investigation.

The responsible manager may apply the above public interest test and may focus C&E resources on one or more investigations. Where this means delaying or closing any file based upon other priorities or resourcing, or selecting a compliance or enforcement option for the same reason, the decision and rationale will be documented and recorded by the responsible manager on the file and in ERA.

Where an investigation proceeds to an Opportunity to be Heard [OTBH], the lead investigator is responsible for preparing an Investigation Summary package/ OTBH binder for submission to a DDM.

Prior to the scheduling of any OTBH, a responsible manager will review the investigation summary/ OTBH binder and may advise that further investigation is necessary, or that the elements of the contravention are not supported by the evidence and that the investigation summary will not go forward for a determination.

Once any OTBH has been scheduled, the lead investigator will make a reasonable effort to contract the person responsible and attempt to come to an Agreed Statement of Fact for presentation to the DDM at the OTBH.

Timeliness of Investigations

The lead investigator will try to complete investigations within 6 months, and, subject to events beyond their control, will complete investigations within 1 year of the date of discovery. This 1 year timeline does not include the scheduling and conduct of any OTBH.

A responsible manager may reassign investigative resources where the investigation is not proceeding in a timely manner.

Other Agencies

All staff with C&E responsibilities are accountable for applying the standards, criteria, and expectations within the inter-Agency Enforcement Agreement, and the C&E/Protection and C&E/Revenue Roles and Responsibilities Matrices.

All incidents where there appear to be *Criminal Code [Canada]* offences will be brought to the attention of the RCMP. The RCMP and the responsible manager will consult and agree on lead agency status in any forestry-related investigation.

All incidents where there appears to be non-compliance with any statute that may come under the jurisdiction of any other federal or provincial agency [e.g. the Department of Fisheries and Oceans and the Competition Bureau or BC Parks] will be documented and the appropriate agency will be notified in a timely manner.

Recording of Investigations

All compliance actions will be recorded in CIMS and or ERA as the systems protocols require.

All government non-compliance will be recorded in the CIMS Ledger.

All enforcement actions will be recorded in ERA.

All suspected contraventions identified as a result of a scale site and timber scaling inspections will be recorded in ERA and SCS.

Where an incident was brought to the attention of the Ministry by another agency or the general public, the lead investigator is responsible for keeping the reporting party appraised of the status of the investigation within the constraints of the *Freedom of Information and Protection of Privacy Act* and the *Privacy Act [Canada]*.

Public Enquiries

All alleged contraventions brought forward by the public will be recorded; inspections will be recorded in CIMS, and where applicable public complaints that result in investigations will be entered into ERA.

Physical Case Files

Physical case files will be opened and maintained where:

- Any physical evidence, including maps, photos, field notes, interview transcripts, or any other relevant documentation, has been collected, or has been transferred to the Ministry from another public agency,

- Any timber, chattels, or livestock have been seized,
- It is anticipated that the incident will result in a Report to Crown Counsel,
- The incident requires that a formal determination be made by a delegated decision-maker.

Physical case files will be maintained in a secure location. Physical evidence not suitable for a file will be maintained in a secure location.

All case files and physical evidence will be managed pursuant to the Ministry of Forests Records Management Standards and Procedures Manual.

References

Forest Act,
Range Act,
Forest Practices Code of British Columbia Act,
Forest and Range Practices Act,
Wildfire Act,
Inter Agency Enforcement Agreement,
Ministry of Forests Policies.

BRITISH
COLUMBIA

MINISTRY OF FORESTS
AND RANGE POLICY

POLICY SUBJECT		
	Stopping Vehicles	
EFFECTIVE	RESPONSIBLE BRANCH	NUMBER
Sept-05	***Compliance and Enforcement Branch***	***16.7***
	APPROVED	

Scope

This policy covers the stopping of vehicles by Officials pursuant to their authority under section 60 of the *Forest and Range Practices Act* [FRPA] and or Section 21 of the *Wildfire Act* [WA].

Section 60 of FRPA reads as follows:
Inspection of vehicle or vessel carrying forest or range products
For any purpose related to the administration and enforcement of the Acts, an official or a peace officer may

(a) require a person operating a vehicle or vessel to stop the vehicle or vessel, and
(b) carry out an inspection of a vehicle or vessel, if the official or peace officer has reasonable grounds to believe that
(c) the vehicle or vessel contains or is transporting timber, special forest products, seed, botanical forest products or hay, or
(d) a person is contravening or has contravened one or more provisions of the Acts.

Section 21 of the WA reads as follows:
Inspection of vehicle or vessel
An official or peace officer, who has reasonable grounds to believe that there is anything that is in or on a vehicle or vessel and is relevant to a contravention by any person of this Act or the regulations, may

(a) require the person operating the vehicle or vessel to stop the vehicle or vessel, and
(b) carry out an inspection of the vehicle or vessel.

Purpose

To provide Officials with guidance and direction on the stopping of vehicles in the performance of their duties.

Definitions

"Acts" means the *Range Act*, the *Wildfire Act*, the *Forest Act*, the *Forest Practices Code of British Columbia Act*, and the *Forest and Range Practices Act*, and their Regulations.

"C&E Leader" means a District Compliance Leader, a Regional Compliance and Enforcement Manager and a Fire Centre Compliance and Enforcement Leader.

"CIMS" means the Compliance Information Management System.

"ERA" means the Enforcement and Review Administrative system.

"FSR" means Forest Service Road.

"mobile stops" means unplanned stoppages of one or more vehicles conducted by a mobile official at their discretion on public roads, highways, or forest service roads for short periods of time.

"**Official"** means a Ministry employee who has been so designated pursuant to the FRPA and or the WA.

"stationary stops " means pre-planned stoppages which may affect other traffic on a road or highway, conducted at a fixed location for a period of time.

Policy

It is Ministry policy that:

Only those Officials who perform a C&E function may exercise the authority to stop and inspect vehicles pursuant to section 60 of FRPA and section 21 of the WA.

Officials may stop vehicles for the purpose of inspecting for compliance with the Acts.

A C&E Leader may direct an Official that he or she may not conduct a mobile or stationary stop until such time as the C&E Leader is comfortable with the Officials' level of training and or experience necessary to safely and appropriately conduct such an action.

Stationary Stops

Stationary stops will only be undertaken with the approval of a C&E Leader or delegate. Approval may be comprehensive [i.e. at a time and location determined by the Official during the course of their duties] or case by case [requiring prior approval].

All relevant safety standards as prescribed by the *Workers Compensation Act* will be adhered to by all Ministry staff involved in any stationary stop.

Stationary stops on roads other than FSRs, Road Permit Roads, wilderness roads and non-status roads will only occur after prior consultation with the local police detachment.

Where practical, stationary stops on FSRs, Road Permit Roads, and non-status roads with a significant level of public use will only occur after prior notification to the local police detachment.

Where practical, a reasonable effort will be made to consult with and involve other agencies such as the Conservation Officer Service, Motor Vehicles Branch and/or the Department of Fisheries and Oceans in pre-planned stationary stops.

Where practical, C&E program staff will advise all other program areas on the planning and execution of any stationary stops that may serve the interest and mandate of the other program area.

Where multiple agencies are involved in a stationary stop, all protocols and procedures should be determined prior to the stationary stop and the Ministry will take a proactive approach in initiating any such process.

Any stationary stop will consider public and staff safety as the highest priority during the set up, layout and management of any stationary stop.

Roads that are primarily industrial use roads may have stationary stops set up without consulting the local police detachment. In these cases, proper signage, traffic cones, adequate sight lines and all other factors necessary to ensure public and staff safety as the highest priority will be initiated.

Upon approval by a C&E Leader or delegate, Officials may utilise flashing amber lights to assist in the layout and direction of a stationary stop. Flashing amber lights may not be mounted to or used inside of a Forest Service vehicle during a stationary stop.

Use of red, white, or blue flashing lights, whether for stationary or mobile stops, by Ministry employees is contrary to the *Motor Vehicle Act*.

Mobile Stops

Officials may not follow vehicles at speeds in excess of the posted limit other than where authorized to do so under another enactment.

Officials may not use amber flashing lights to assist in mobile stops. Officials may set up amber flashing lights for traffic control and safety after a mobile stop has been initiated.

All mobile stops will consider public and staff safety as the highest priority.

Mobile stops may be initiated by hand signals, flashing headlights or through radio contact. Officials may not use force in any manner to initiate the stopping of any vehicle. Where a vehicle does not stop when requested, an Official may request the assistance of the local police detachment. Where a vehicle does not stop and the vehicle is operated by an agent, employee or contractor of the holder of an agreement under the *Forest Act*, the Official may contact the agreement holder for assistance.

When conducting a mobile stop, officials will observe all local safety protocols.

Record Keeping

All vehicle stops, mobile and stationary, will be recorded in CIMS or ERA as the case may be.

References

Forest Act,
Forest and Range Practices Act,
Forest Practices Code Act of British Columbia,
Workers Compensation Act,
Ministry Policy 16.3 Designation of Forest Officials, and
Motor Vehicle Act.

BRITISH COLUMBIA

MINISTRY OF FORESTS
AND RANGE POLICY

POLICY SUBJECT		
	Stopping Vessels	
EFFECTIVE	**RESPONSIBLE BRANCH**	**NUMBER**
Sept-05	*Compliance and Enforcement Branch*	*16.8*
	APPROVED	

Scope

This policy covers the stopping of vessels by Officials pursuant to their authority under section 60 of the *Forest and Range Practices Act* [FRPA] and Section 21 of the *Wildfire Act* [WA].

Section 60 of FRPA reads as follows:
Inspection of vehicle or vessel carrying forest or range products
For any purpose related to the administration and enforcement of the Acts, an official or a peace officer may

(a) require a person operating a vehicle or vessel to stop the vehicle or vessel, and
(b) carry out an inspection of a vehicle or vessel, if the official or peace officer has reasonable grounds to believe that
(c) the vehicle or vessel contains or is transporting timber, special forest products, seed, botanical forest products or hay, or
(d) a person is contravening or has contravened one or more provisions of the Acts.

Section 21 of the WA reads as follows:
Inspection of vehicle or vessel
An official or peace officer, who has reasonable grounds to believe that there is anything that is in or on a vehicle or vessel and is relevant to a contravention by any person of this Act or the regulations, may

(a) require the person operating the vehicle or vessel to stop the vehicle or vessel, and
(b) carry out an inspection of the vehicle or vessel.

Purpose

To provide Officials with guidance and direction on the stopping of vessels in the performance of their duties.

Definitions

"Acts" means the *Range Act*, the *Wildfire Act*, the *Forest Act*, the *Forest Practices Code of British Columbia Act*, and the *Forest and Range Practices Act*, and their Regulations.

"C&E Leader" means a District Compliance Leader, a Regional Compliance and Enforcement Manager and a Fire Centre Compliance and Enforcement Leader.

"CIMS" means Compliance Information Management System.

"ERA" means Enforcement Review and Administration system.

"**Official"** means a Ministry employee who has been so designated pursuant to FRPA and the WA.

"vessel" means a boat, ship, watercraft, barge or boom under tow by a vessel, or any boom of logs secured or unsecured.

Policy

It is Ministry policy that:

Only those Officials who perform a compliance and enforcement function may exercise the authority to stop vessels pursuant to section 60 of the FRPA or section 21 of the WA.

No Official will exercise their authority to stop any vessel until they are familiar with this policy, all safety procedures and receive approval to do so by their C&E Leader. Approval may be comprehensive rather than case by case.

A C&E Leader may direct an Official that he or she may not stop a vessel until such time as the C&E Leader is comfortable with the Official's level of training and or experience necessary to safely conduct such an action.

Officials may stop vessels for the purpose of inspecting for compliance with the *Forest Act*, the *Forest and Range Practices Act*, the *Forest Practices Code of British Columbia Act*, the *Wildfire Act* and their Regulations.

All safety standards as prescribed by the *Workers Compensation Act* will be adhered to during the course of any vessel inspection. Any vessel inspection will consider public and staff safety as the highest priority.

Vessel inspections on busy waterways that have a significant level of public usage may require prior consultation with the local police detachment.

Where any vessel refuses to stop or otherwise co-operate during the course of any inspection, Officials may request the assistance of the local police detachment and or the Coast Guard. Where any vessel is being operated by an agent, contractor or employee of the holder of an agreement under the *Forest Act,* an Official may seek the assistance of the agreement holder in obtaining the operator's co-operation.

All vessel inspections will be documented and recorded in CIMS or ERA as the circumstances require.

References

Forest Act,
Forest and Range Practices Act,
Forest Practices Code Act of British Columbia,
Wildfire Act, and
Workers Compensation Act.

Ministry of Forests
POLICY MANUAL

Subject: Determinations
Branch: Enforcement Branch
Signature: Gerry R. Armstrong

No: **16.10**
Effective: 31-July-97

Scope

This policy covers the process and recording of determinations made by:

• designated forest officials, under:	sections 82, 123 and 124 of the *Forest Practices Code of British Columbia Act* (the Act);
• forest officers, under:	section 34 of the *Range Act*;
• District Managers, under:	sections 31, 34 and 35 of the *Range Act;* sections 76, 76(2), 77(1)(c), and 78 of the *Forest Act;* sections 99(2), 101(2), 102(3) and 106(1) of the Act; and, section 4(5) of *the Forest Recreation Regulation*;
• Regional Managers, under:	sections 31 and 34 of the *Range Act;* sections 70, 76(1), 76(2) and 77(1)(b) of the *Forest Act;* and, sections 95(2) and 95(3) of the Act; and,
• senior officials, under:	sections 117, 118, and 119 of the Act; and,

This policy does NOT cover determinations made under section 105 of the *Forest Act*.

Purpose

To ensure that determinations are made in a fair and equitable manner, with due regard to the rules of administrative law.

Definitions

For the purposes of this policy:

"administrative error" means an error in the administration of a determination, such as a mistake in spelling a person's name or a mathematical error in calculating a penalty

"employee" means an designated forest official, a forest officer, or a senior official

"evidence" means any information—documented, oral, or in any other form—which is used by the person responsible to give their side of the story as to what has occurred

"ERA" means the Enforcement Action, Administrative Review, and Appeals system for tracking all suspected cases of non-compliance

"investigation summary" means the summary of findings of the investigation, including but not restricted to: a description of the violation(s); a history of past performance by the person responsible; a description of the enforcement options available for each violation; a list of relevant legislation and policies; and recommendations with respect to any appropriate enforcement options

"person" means a corporation, partnership, or party, and the personal or other legal representatives of a person to whom the context can apply according to law

"person responsible" means the person who was either conducting the forest practice, or directly supervising or controlling the forest practice, which resulted in the violation of legislation

"senior official" means, for the *Forest Practices Code of British Columbia Act*, a District Manager, a Regional Manager or a Fire Control Manager of a Fire Control Centre

"senior official" means, for the purpose of the *Forest Act* and *Range Act*, a District Manager or a Regional Manager

"stayed" means that the determination does not take effect until all avenues of appeal have been exhausted. This normally would only affect monetary penalties or remediation orders.

Policy

It is Ministry policy that:

Investigation Summary

When an incident of non-compliance is identified, and the person responsible has been identified, the official responsible for the investigation shall complete an investigation summary.

Where the investigating official will be recommending that administrative remedies under sections 117, 118, or 119 of the Act be levied, the official will notify the appropriate senior official that the summary has been completed and that a determination is required.

Opportunity to be Heard

The senior official should ensure that the person responsible for the non-compliance is offered an opportunity to present any evidence prior to the senior official making the determination.

The offer must be in writing, and:

- must provide a reasonable time frame for the person to take advantage of the opportunity to be heard
- must indicate the method by which the person must contact the senior official to discuss the incident
- must indicate that the person may have legal representation, and/or witnesses if desired; and,
- must include a statement that the determination will be made after the expiry of the opportunity time frame

Meeting with Person Responsible

If the person takes advantage of the opportunity to be heard, the meeting should involve all parties to the incident, including any staff or other parties involved in the investigation.

The senior official who will make the determination must be at the meeting.

All relevant evidence that the senior official will base the determination on should be brought forward at the meeting and the person responsible be given the opportunity to present relevant evidence.

Making a Determination

If legislation requires that a determination be made by a particular designated position, then the determination cannot be delegated.

In making a determination, the senior official will consider:

- relevant evidence presented by the investigating official
- relevant evidence presented by the person responsible
- any relevant information provided by regional or branch staff
- previous contraventions by the person
- the gravity and magnitude of the contravention
- whether the violation was repeated or continuous
- whether the contravention was deliberate
- any economic benefit derived by the person from the contravention
- the person's cooperativeness and efforts to correct the contravention
- any Minister's policies with respect to the determination; and,
- any other factors the senior official deems to be relevant

Where an incident involves a licensee, it is normally the licensee that is responsible for the activity, and therefore should be penalized, rather than individuals working for that licensee. Where an incident involves a private land owner, it is normally the land owner that is responsible for the activity, and therefore should be penalized, rather than individuals working for that private land owner.

It is recognized that occasionally certain individuals wilfully or recklessly fail to comply with the legislation. The option to penalize individuals for wilful or reckless non-compliance exists, but restraint should be exercised in penalizing those who do not have the primary responsibility to ensure that Code requirements are met.

Determination Summary

Upon making the determination, the senior official will complete a determination summary, providing:

- a brief outline of the incidents
- a summary of evidence presented
- a list of the statutes and sections determined to be contravened
- a list of the factors the senior official felt were relevant
- a list of the maximum penalties allowed under the *Administrative Remedies Regulation* (if a penalty has been levied under section 117 of the Act), details of the penalty levied, and a rationale for that penalty

- a list of Minister's policies and other policies the senior official considered in making the determination, and:
  - the appropriateness of the policies to the specific incident; or,
  - if the senior official chose not to follow the policies, the rationale for doing so

This documentation will be retained on the case file.

Notice of Determination

In order to minimize the number of determinations subject to review, the Notice of Determination should outline all determinations made with respect to an incident that involve that person. Separate Notices of Determination should not be sent out for each violation that a person is determined to be responsible for.

If more than one person is involved in an incident, a separate Notice of Determination will be given to each person, outlining the incident as it pertains to that person.

A Notice of Determination will be given to each person involved, even if that person has been found not to have contravened a statute.

If the person has been found to have contravened a statute, but the senior official has determined that no penalty will be levied, the Notice of Determination must state this, and must further state that the incident will be recorded and may influence determinations made in any subsequent contraventions.

The Notice of Determination must:

- be in writing
- clearly state the nature of the contravention(s)
- state the amount (and breakdown, if appropriate) of any monetary penalty
- state that an invoice will be sent under separate cover, but that it is this "Notice of Determination"—and not the invoice—that the person may request a review of
- outline the person's right to a review and appeal, including the title and address of the review official to whom a request for a review may be made
- state that there is a 3-week period from receipt or deemed receipt of the Notice of Determination that the person can request a review; and,
- outline the form that the request for review must take, including that the request must:
  - be in writing
  - clearly state the name and address of the requesting person, and the name of the person, if any, making the request on that person's behalf
  - include the address for service of the requesting person
  - clearly state why the person believes the determination is wrong
  - clearly describe the relief requested; and,
  - include a copy of the original determination being challenged

If the determination involves a remediation order, the following additional information must be included:

- the nature of the work to be done to remedy the contravention
- the date by which the work must be completed; and,
- the right of the government to carry out the work and levy a penalty if the person fails to comply with the order

ERA Administration

The employee making the determination will ensure that the determination is properly recorded in the appropriate case file in the ERA tracking system.

Determinations Which Should Not be Stayed Upon Review

A determination made under the *Forest Act* or *Range Act* is not stayed by a request for administrative review of that determination, unless the person requesting the review requests and is granted a stay by the Minister.

A stop work order made under Section 123 of the Act is not stayed upon request for administrative review. However, any other determination made under the *Forest Practices Code of British Columbia Act,* unless otherwise specified in the *Administrative Remedies Regulation*, is normally stayed upon a request for review.

If a senior official decides that the staying of a determination is contrary to the public interest, the senior official will make a written request, through the Director, Range, Recreation and Forest Practices Branch, to the Chief Forester, outlining the rationale for not staying the determination, complete with a copy of the Notice of Determination. If the Chief Forester approves the request the Chief Forester will serve notice on the person requesting the review, indicating that the original determination is not stayed during the review and appeal process.

Changing a Determination

Once an employee has made a determination and has officially served a Notice of Determination, the employee cannot change the original determination, except to correct an administrative error.

Informing the review official of the Determination

A copy of the Notice of Determination will be forwarded to the review official named in the notification.

A copy of the determination summary will **NOT** be forwarded to the review official.

Determinations Involving Monetary Penalties

If a penalty is levied under section 117(1) of the Act with respect to a contravention of section 74(1) or 98 of the Act, the Senior Official will immediately forward a request to the Manager of Revenue and Corporate Services in the region, instructing that an invoice be generated and forwarded to the person who is the subject of the determination.

If a monetary penalty has been levied and no request for review has been received within the legislated timeframe, the Senior Official will forward a reqest to the Manager of Revenue and Corporate Services in the region, instructing that an invoice be generated and forwarded to the person who is the subject of the determination. With respect to determinations made by the Fire Control Manager of a Fire Control Centre, the invoicing instructions will be forwarded to Protection Branch, attention Manager, Finance and Administration.

If a request for review of a determination to levy a penalty has been recieved, the Senior Official will not request that an invoice be generated until the review and appeal has been completed.

References

- *Forest Practices Code of British Columbia Act*
- *Forest Act*
- *Range Act*
- *Administrative Remedies Regulation*
- *Administrative Review and Appeal Procedure (Forest Practices) Regulation*
- *Administrative Review and Appeal Procedure (Forest Act) Regulation*
- *Forest Recreation Regulation*
- Ministry Policy Manual, Resource Management, 16.3, *Designation and Authorization of Forest Officials*
- Ministry Policy Manual, Resource Management, 16.1, *Designation of Forest Officers*
- Ministry Policy Manual, Resource Management, 16.2, *Authorization of Forest Officers*
- Ministry Policy Manual, Resource Management, 16.4, *Senior Officials*
- Ministry Policy Manual, Resource Management, 16.22, *Selection and Responsibilities of Review Officials and Panel Members for Administrative Reviews - Section 127 and 128*

BRITISH COLUMBIA

MINISTRY OF FORESTS AND RANGE POLICY

POLICY SUBJECT		
Violation Ticketing		
EFFECTIVE	RESPONSIBLE BRANCH	NUMBER
Sept-05	***Compliance and Enforcement Branch***	***16.11***
APPROVED		

Scope

This policy describes the process of issuing, the criteria for issuing and the administration of violation tickets issued by those staff within the Ministry of Forests who perform a Compliance and Enforcement [C&E] function.

Purpose

To ensure that ticket issuance under the Violation Ticket Administration and Fines Regulation [VTAFR] is conducted in a fair, professional and legally defensible manner.

To ensure that the issuing of Warning and Violation Tickets by those Ministry staff with the delegated authority to do so serves the public interest by supporting the impartial administration of justice with the fair, reasonable and consistent application of provincial forestry legislation.

Definitions

For the purposes of this policy:

"Acts" means the *Range Act*, the *Forest Act*, the *Forest and Range Practices Act* [FRPA], *Forest Practices Code of BC Act*, the *Wildfire Act* and their Regulations.

"CEB" means Compliance and Enforcement Branch.

"C&E Leader" means a District Compliance Leader, the Regional Compliance and Enforcement Manager, and or the Fire Centre Compliance and Enforcement Leader.

"ERA" means the Enforcement Action, Administrative Review and Appeal System.

"MOFR" means the Ministry of Forests and Range.

"responsibility centre" means a district or regional office, a fire centre, or a branch office.

"VTAFR" means Violation Ticket and Administrative Fines Regulation.

Background

Violation Tickets for offences under regulatory legislation such as the Acts are an instrument of the law designed to act as a record, a penalty and a deterrent.

Policy

It is Ministry policy that:

A person must be designated as a Forest Officer or an Official prior to being issued a ticket book or issuing any violation ticket.

Only those persons designated as a Forest Officer may issue tickets for offences against the *Forest Act* and its Regulations.

Only those persons designated as an Official may issue tickets for offences against the *Forest and Range Practices Act,* the *Forest Practices Code Act, the Wildfire Act* or their Regulations.

Forest Officers and Officials may also issue tickets for selected offences under the *Environmental Management Act*.

MOFR staff may only issue violation tickets for violations expressly provided for in the VTAF Regulation.

Minimum Training

All personnel authorized to issue violation tickets will have completed the Ministry Basic Law course.

A C&E Leader may determine if a person within the C&E program has the appropriate training and experience necessary to issue Violation Tickets.

No person may be issued a ticket book prior to having completed the above training or without the approval of the C&E Leader.

Ticketing as an Appropriate Enforcement Option

Ticketing is one of several enforcement actions available to deal with contraventions. It is not appropriate to issue tickets in every situation, regardless of whether there is a provision to do so.

Warning Tickets:

Within the range of enforcement options, Warning Tickets are more formal than compliance notices and less formal than Violation Tickets. Warning Tickets are not a replacement for compliance notices.

Warning Tickets may only be issued for offences for which the authority to issue Violation Tickets has been granted.

It may be appropriate to issue a Warning Ticket where:
- The situation is comparatively minor or trivial in nature.
- There is little to no environmental impact [real or potential] as a result of the alleged offence.
- A compliance action is a more suitable response than an enforcement action.

An enforcement action rather than a compliance action will normally be appropriate where the actions that led to the offence:
- were contrary to previously documented advice, or
- were intentional, or
- were reckless, or
- there have been previously documented similar reckless or non-compliant actions, or
- where the action or incident was intentionally hidden or covered up, or
- where the person responsible was uncooperative in providing information relative to the investigation, or
- where the person responsible made no genuine attempt at voluntary containment or mitigation of the damage or potential damage.

Violation Tickets:

In making a determination of whether or not to issue a Violation Ticket, the Forest Officer/ Official will first determine:
- That the contravention is an offence and is ticketable under the provisions of the VTAF Regulation, and second
- That issuance of a ticket is the most appropriate enforcement option for the circumstances.

In making a determination of whether or not a violation ticket is the most appropriate enforcement option for the circumstances, the Forest Officer/ Official will consider the following:

- Within the context of the standard of proof being "beyond a reasonable doubt", does the evidence support a reasonable likelihood of conviction?
- Does the public interest require legal proceedings but not a public hearing such as an OTBH or criminal trial?
- Is the set fine adequate for the offence?
- Is there little potential or actual damage to the environment?
- Will the ticket serve the public interest by its ability to act as a specific and/ or general deterrent?
- Is the person responsible willing to attempt to correct and/or mitigate the contravention?

After giving due consideration to the above, a ticket may be the appropriate enforcement option. However, in making a determination of whether or not a violation ticket is the most appropriate enforcement option for the circumstances, the Forest Officer/ Official will also consider the following:

- Has the person responsible been previously issued a ticket for a similar or the same offence?
- Is there the potential for significant environmental or public harm arising from the actions of the person responsible?
- Has the contravention been repeated or has it been continuous despite the person responsible knowing of the contravention?
- Was the contravention deliberate despite a reasonable conclusion that the person responsible knew they were acting contrary to law?
- Was the person responsible knowingly flaunting the law for the purpose of economic gain?
- Will issuing a ticket remove the option of an administrative penalty that may be more appropriate in the circumstances?
- Do any of statutory defences apply: Due Diligence, Reasonable Mistake of Fact, or Officially Induced Error.
- Is further investigation required to obtain complete answers to the above questions?

If the answer to any one of the above is yes, it may not be appropriate to use a Violation Ticket as an enforcement option.

The decision making process will also consider the amount of evidence and number of witnesses required to defend a ticket.

When in doubt as to the appropriateness of issuing a ticket, MOFR staff will consult with their colleagues, their supervisor and/or their C&E Leader.

A C&E Leader may advise that a Violation Ticket is an appropriate or inappropriate enforcement option in a particular set of circumstances. He or she may direct the issuing Forest Officer/ Official to apply this policy in consideration of either withdrawing and/or issuing a Violation Ticket. If and when doing so, the C&E Leader will do so with a written rationale that will be placed on the appropriate file and recorded in ERA.

Who to Ticket

There is no provision for ticketing the provincial government such as BC Timber Sales or another agency or Ministry. Tickets can be, however, issued to the federal government, a municipal government, or a regional district.

A Violation Ticket must be issued in person.

Where the person responsible is a municipal government or regional district, the Violation Ticket may be issued to the Mayor, secretary treasurer, or the clerk of the municipal corporation.

Where the person responsible is an agreement holder, the Violation Ticket may be served to any responsible party on site or it may be served at the holder's regular place of business by serving it on a director or officer of the corporation.

A Violation Ticket may be served to the responsible party by someone other than the Officer or Official who issued the ticket.

Issuance of Tickets

When issuing a Violation Ticket and/or a Warning Ticket, the Forest Officer/ Official will ensure that:

- The name of the offender [where possible] will be written in full and spelled correctly.
- The name of the offender may be either the name of the contractor, the name of an individual or the Licensee, as circumstances dictate.
- A ticket for the same offence may be issued to a Licensee, a contractor and a person, where the legislation provides for it and where the circumstances warrant more than one ticket.
- The correct section of the Act/s and the name of the Act/s is stated,
- The wording of the contravention is exactly as stated in the VTAF Regulation, and
- The fine is the amount prescribed in the VTAFR Regulation.

All Warning Tickets and Violation Tickets must be completed in full, including the dispute location [not applicable to Warning Tickets].

The Violation Ticket provides for a maximum of [3] three offences of any single Act on one ticket. If more than [3] three offences are to be ticketed, additional Violation Tickets must be issued.

The issuing officer must document all evidence necessary to prosecute any ticket. This evidence will include, where possible, the names of any witnesses, witness statements, physical evidence, complete notes and any relevant photographs.

A Violation Ticket may be served by someone other than the issuing Officer or Official.

Challenged Tickets

Where a ticket is challenged the decision to go to trial will be a joint decision between the C&E Leader and the issuing Officer or Official.

For any ticket going to trial, the issuing Officer or Official may contact the person responsible and determine if the challenge is a not guilty plea or a dispute of the fine amount.

Where the challenge is on the amount of the fine, the issuing Officer or Official may come to an agreement with the person/s responsible over the fine amount. All such agreements will be documented in ERA with a rationale.

Where the person responsible intends to submit a not guilty plea, the issuing officer will prepare a report that will include a examination of the elements of the offence, an examination of the statutory defences, and the rationale for the ticket. The C&E Leader or delegate will review this report and the report will be recorded in ERA.

Prosecution of the ticket may be led by either the issuing Officer or Official or may be led by other more senior staff. Full consideration will be given to having two C&E program staff prosecute a ticket with the issuing Officer or Official acting as a witness and another C&E staff member performing the actual prosecution. The decision on who will lead any prosecution will be a joint decision between the issuing Officer or Official and the C&E Leader.

Where a person who is challenging a ticket is represented by legal counsel, the issuing officer/official will consult with Crown Counsel on the prosecution of the ticket.

Statute of Limitations

Section 3 (2) of the Offence Act reads as follows:

> *(2) If no time is specially limited for making a complaint or laying an information in the Act or law relating to the particular case, proceedings must not be instituted more than 6 months after the time when the subject matter of the proceedings arose.*

The limitation period for issuing Violation Tickets under the Acts is three [3] years from discovery for the Forest Practices Code Act of BC, the FRPA , the Forest Act, the Range Act and their regulations. The limitation period for the Wildfire Act and its regulations is two [2] years.

Despite the above limitation periods under the Acts, every effort should be taken to issue violation tickets as soon as possible after the discovery of a violation. Ticketing should not normally be pursued after six months from the discovery of the violation.

Administration of Tickets

CEB is responsible for issuing violation ticket books to district and regional C&E Leaders. C&E Leaders will issue individual violation ticket books on a property transfer form and the serial numbers of these tickets will be recorded in the Forest Asset Reporting System. The stock number for violation ticket books is 7610-09-0001.

An ERA case file will be opened for each ticket issued and a copy of the ticket will be placed on the ERA file.

The first copy [white] of each Violation Ticket will be forwarded to the Violation Ticket/ Dispute Processing Unit of the Insurance Corporation of British Columbia on a weekly basis, at:

ICBC Licensing Program
Box 3750
Victoria, B.C.
V8W 3Y5

The second copy [blue] will be provided to the offender.

The third copy [green] will have the ERA case file number noted in the upper right hand corner. All of these copies per responsibility centre will be retained in a single file designated ORCS "23060-09/04" where 04 is the fiscal year in which the ticket was issued.

The fourth [yellow] and fifth [also white] copies will be retained in the ticket book.

All violation tickets must be accounted for. Tickets that are incorrectly filled out and not issued must have the word "VOID" written in large print on the ticket. Voided tickets must not be forwarded to ICBC, all five [5] copies must be retained in the ticket book.

All violation tickets issued must be recorded in the ERA tracking system and the name of the offender must be registered in the Ministry's electronic Client Management System. CEB is responsible for updating the status of all tickets in ERA.

References

Forest Act,
Range Act,
Forest Practices Code of British Columbia Act
Forest and Range Practices Act
Wildfire Act
Environmental Management Act
The Offence Act
Violation Ticket Administration and Fines Regulation
Ministry of Forests Policy 16.1 Designation of Forest Officers
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BRITISH COLUMBIA

MINISTRY OF FORESTS AND RANGE POLICY

POLICY SUBJECT		
	Stop Work Orders	
EFFECTIVE	RESPONSIBLE BRANCH	NUMBER
Sept-05	**Compliance and Enforcement Branch**	**16.14**
	APPROVED	

Scope

This policy covers the issuing, service and administration of Stop Work Orders [SWO] made pursuant to section 66 of the *Forest and Range Practices Act* [FRPA] or section 34 of the *Wildfire Act.*

Purpose

To provide direction and guidance on the issuing of and subsequent processing of SWOs.

Definitions

"Acts" means the *Forest and Range Practices Act*, the *Forest Practices Code Act*, the *Forest Act*, the *Range Act*, the *Wildfire Act* and their regulations.

"CEB" means Compliance and Enforcement Branch.

"C&E Leader" means District Compliance Leader, a Regional Compliance and Enforcement Manager, and or a Fire Center C&E Leader.

"contravention" means a contravention of a provision of the Acts.

"imminent" means soon to occur based upon an assessment of the particular circumstances.

"Official" means a Ministry employee so designated pursuant to FRPA or as an Official pursuant to the *Wildfire Act.*

"ongoing" means an activity that is occurring when the Forest Official is present. Where an activity has ceased, but it is reasonable to assume it will proceed, the activity should be considered as ongoing.

"PRB" means Protection Branch.

"RCEM" means Regional Compliance and Enforcement Manager.

"SWO" means a Stop Work Order made pursuant to section 66 of the *Forest and Range Practices Act* [FRPA] and section 34 of the *Wildfire Act*.

Policy

It is Ministry policy that:

Only those Ministry staff designated as Officials who perform a C&E function may issue a SWO and those Officials will be familiar with section 66 of FRPA and or section 34 of the *Wildfire Act* as the case may be.

A SWO *may* be issued where:

- An Official has reasonable grounds to believe a person is contravening the Act/s,

And

- There is imminent or ongoing environmental damage, or
- There is imminent or ongoing damage to a resource value, or
- There is imminent or ongoing harm to a person or property, or
- The Crown is at risk of losing revenue, or
- A person is conducting a forest practice without a plan, permit, approval, or agreement,

And

- The person responsible is not taking immediate and effective steps to halt the contravention, or
- A SWO may be necessary to ensure the public interest is met.

A SWO *may not* be issued where:

- There is no ongoing contravention, even though environmental or other damage may be occurring, or
- Any contravention occurred in the past and the activity that led to any alleged contravention has ceased, or
- There is a reasonable belief that a contravention may occur in future.

Service

A SWO must be in writing and will be served to the person who it is reasonable to assume is the on site person responsible for the activity in contravention. Where that person is an employee, contractor or an agent of an agreement holder or landowner, the SWO will also be served on the agreement holder and/or landowner within 72 hours.

A SWO must be issued on the Ministry of Forests and Range Form FS 12. Where no form is available on site, an Official may issue a written SWO by the best means available but must follow up on with the FS 12 SWO within 72 hours of the initial order.

There is no authority to issue verbal SWOs. All SWOs must be in writing.

Content

- In describing the nature of the contravention, the Official will state the section of the Acts being contravened, and will describe the activity that constitutes the contravention.
- The Official will tailor the SWO so it applies only to the specific area or activity in contravention.
- The Official will specify when the activity in contravention must cease, e.g. immediately to prevent environmental damage or at the end of the work day where work is underway without the proper authority but no environmental damage is occurring and it is reasonable to assume the required authority will be obtained.

SWO Not Complied With

Where a person does not comply with a SWO, the Official will observe and record the actions of the person, will consult with their C&E Leader and will notify the CEB or PRB as the case may be. The CEB/ PRB will work with the Official in the preparation of a briefing note for the Minister's consideration in making an application to the Supreme Court for an Order for Compliance pursuant to section 90 of FRPA or section 47 of *the Wildfire Act*.

Where a person does not comply with a SWO issued pursuant to s. 66 of FRPA, the Official will consult with their C&E Leader and will proceed as per established policy and procedure with respect to an investigation into s. 112 (3) of FRPA for failing to comply with an order. [Note: there is no equivalent contravention in the *Wildfire Act*.]

Extinguishing a SWO

An Official may rescind or extinguish a SWO where the Official determines there were insufficient grounds for issuing the SWO. Extinguishing a SWO must be in writing, and must be delivered to the person[s] to whom the formal written SWO was issued.

A SWO should be written in a manner that it is self-extinguishing when the requirements are met. The wording should include either "… to the satisfaction of [a Official]…" or should name the licence, permit, amendment, plan or approval necessary for compliance and therefore necessary to extinguish the SWO. Where a SWO is not self-extinguishing, the Official must extinguish the SWO in writing and the extinquishment must be delivered in person to whom the formal SWO was issued.

Record Keeping

All SWOs will be documented in ERA and or in an ERA file. The documentation will include and is not limited to the rationale for the SWO, any evidence in support of the SWO, and the lifting or rescinding of the SWO as the case may be.

References

Forest Act
Range Act,
Wildfire Act
Forest Practices Code of British Columbia Act
Forest and Range Practices Act
Ministry of Forests Policy Manual

Ministry of Forests
POLICY MANUAL

Subject: *Forfeiture of Timber, Chattels, Hay, etc.*
Branch: Compliance & Enforcement Branch
Signature: Doug Konkin

No: **16.15**
Effective: 07-Jan-05

Scope

This policy covers the seizure and forfeiture of timber, timber products, hay, and other chattels pursuant to section 67 of the *Forest and Range Practices Act* [the Act].

This policy does not cover seizure for prosecution of an offence under forestry legislation or the *Criminal Code [Canada]*.

This policy does not cover forfeiture of livestock pursuant to section 68 of the *Forest and Range Practices Act*. See Ministry of Forests Policy 16.16 for Ministry policy on the seizure of livestock.

This policy rescinds and replaces previous Ministry Policy 16.15, dated October, 1997.

Purpose

To ensure that seizures of timber, lumber, veneer, plywood, pulp, newsprint, special forest products, wood residue and chattels on which the government has a lien under section 130 (1) (d) of the *Forest Act*; seed, hay, botanical forest products or any vehicle or vessel transporting these items:

- are conducted in legally defensible and professional manner;
- are conducted in a provincially consistent manner;
- are conducted in a manner that can withstand public scrutiny, and
- consider the public interest.

Definitions

For the purpose of this policy:

"Act" means the *Forest and Range Practices Act*.

"DCL" means District Compliance Leader.

"DDM" means a delegated decision-maker pursuant to the Act and the Ministry of Forests Delegation of Minister's Powers and Duties Matrix.

"DM" means District Manager.

"ERA" means the Enforcement Action, Administrative Review and Appeals system for tracking all suspected cases of non-compliance

"goods" means timber, lumber, veneer, plywood, pulp, newsprint, special forest products, wood residue and chattels on which the government has a lien under section 130 (1) (d) of the *Forest Act*, seed, hay, or botanical forest products.

"person" includes a corporation, partnership, party, or individual.

"RCL" means Regional Compliance Leader.

"RSM" means Regional Staff Manager.

"seizing" means the actual taking away of certain goods from a person under authority of s. 67 of the Act.

"seizing forest official" means the designated forest official exercising their legal authority and discretion to seize goods under section 67 of the Act

"timber" means trees, whether standing, fallen, living, dead, limbed, bucked, manufactured into lumber or peeled, and includes special forest products.

Background

In order to seize timber, chattels, hay, etc. pursuant to the Act, a person must be a designated forest official as defined by the Act.

Policy

It is Ministry of Forests' policy that:

General

Forest officials have the discretion to seize goods pursuant to s. 67 of the Act, and where seizure has occurred, to lift the seizure and release the seized goods pursuant to this policy and s. 67 of the Act.

Subject to the discretion of the DCL and/or the RCL, no forest official will utilize his or her authority to seize without the proper training in and knowledge of section 67 of the Act, other legislation as deemed appropriate, and this Policy.

Purpose of Seizure

Seizures under section 67 of the Act are for administrative purposes only. A forest official may seize to return to the Crown what rightfully belongs to the Crown, to determine ownership, to make the Crown whole arising from theft, unauthorized harvest, or to collect for any outstanding debts to the Crown.

Except in circumstances where doing so may compromise the integrity of an investigation, the seizing forest official:

- will notify in writing the person from whom the goods have been seized, and
- will provide such notification as soon as possible and no later than 5 working days after the seizure.

The notification will:

- describe the circumstances of the seizure;
- provide the reasonable grounds for the seizure;
- describe the quantity and type of the seized goods;
- describe the basis of the forest official's authority to seize;

- provide an opportunity for the person to provide any documentation and/or rationale to dispute the seizure or assert ownership; and
- describe any further administrative processes that may arise from the seizure.

Where items are initially seized for an administrative purpose, and it is later determined that the seized items will be used for evidentiary purposes in support of the prosecution of an offence under forestry legislation, an Offence Act Form 1: Information to Obtain a Warrant to Search and Seize [Warrant], will be submitted to a Justice of the Peace and the Warrant will be served on the Ministry of Forests.

Discretion

Forfeiture is one of several enforcement actions available to deal with contraventions. It may not be appropriate to seize goods in every situation, regardless of whether a forest official has the authority to do so.

In deciding whether to seize goods, the designated forest official will:

1. Determine with reasonable certainty that the goods to be seized fall into one of the categories enumerated in section 67 of the Act.
2. Determine that seizing the goods involved is an appropriate option in the circumstances. In making such a determination the forest official will consider the following:
   - will failure to seize the goods result in a loss of evidence?
   - will failure to seize the goods result in the Crown losing possession of those goods?
   - will failure to seize the goods result in the loss of revenue due the Crown?
   - will seizure of the goods place a financial burden on the Crown that outweighs the loss of revenue to the Crown?
   - is seizure of the goods in the public interest?

A seizure that places a financial burden on the Crown that outweighs the loss of revenue to the Crown may still be in the public interest.

A vehicle or vessel transporting timber; timber products; seed; hay; or botanical forest products that is subject to seizure may also be seized. Any seized vehicle or vessel will be released once the seized goods have been transported to a secure location and removed from the vehicle or vessel.

All action taken and decisions made with respect to the disposition of any seized goods will be documented with a rationale.

Seizure Process

In seizing any goods, the forest official shall ensure that (other than where doing so may compromise the integrity of any investigation/s):

- a Seizure Notice (FS 4) is attached in more than one conspicuous location on the goods being seized;
- seized timber is conspicuously marked with a FS timber mark;
- photographs of the seized goods, with the seizure notices attached, are taken from several angles;

Where the person from whom the goods are being seized is present, the forest official will inform that person that;

- the seizure is authorized under section 67 of the Act, and where appropriate, will indicate the location to which the seized goods are to be transported,
- the person has a right to dispute the seizure; and
- formal notification will be provided within 5 working days.

The Seizure Report (FS 96A) will be completed upon return to the forest official's office.

Storage and Security of Seized Goods

The C&E program at each Ministry office will ensure that any seized goods are stored in a secure location, and will ensure the safekeeping of the seized goods.

Any decision on the disposition of the seized goods will be made in a timely manner with due consideration of the interests of the person from whom the goods were seized.

Lifting of Seizures

It may be appropriate for the seizing forest official to lift a seizure where the seizing forest official:

- has determined that the seized goods are not Crown timber, hay or hay stored on Crown land, botanical forest product, or seed; or
- has reasonable grounds to believe that the timber, hay, botanical forest product or seed was harvested under an authority; or
- is satisfied with all of the scaling and transportation documents; or
- is satisfied that the seizure does not serve the public interest; or
- is satisfied that the seizure is no longer necessary to protect the Crown's interest, or
- has reasonable grounds to believe that the seized goods are the property of the person from whom the goods were seized.

Where the seizing forest official has reasonable grounds to believe that the seized goods are the property of another person[s], and the person from whom the items were seized agrees in writing, the seizing forest official may lift the seizure and release the goods to the rightful owner of the goods.

Where the seizing forest official exercises his or her discretion, the seizing forest official will make an informed decision and the facts supporting that decision and the rationale for that decision along with copies of any relevant documentation, statements or other evidence will be recorded and placed on the appropriate file.

Seizure Fees

The Ministry of Forests does not have the authority to require the payment of a seizure fee in return for the release of items seized under the authority of section 67 of Act. Ministry of Forests' staff will not request or accept the payment of a seizure fee when releasing items seized.

A DDM and/or the DM may recover costs from the proceeds of the sale of seized goods and may only do so pursuant to sections 67 (5) and 67 (7) of the Act.

Disposition of Seized Goods by the Seizing Official.

Where the seizing forest official believes it is appropriate to recommend the sale of seized goods, the forest official will forward a briefing note to the appropriate DDM [a RSM or a DM] with recommendations as to the disposal of the seized goods.

Any decision to recommend the sale of seized goods will be made in a timely manner and will balance the interests of the Crown and those of the person from who the goods were seized, as well as the interests of any third party claiming ownership of the seized goods.

Prior to making any recommendation to sell seized goods, the forest official will:

- make all reasonable efforts to determine ownership;
- will consider all third party claims; and
- will make a reasonable effort to solicit supporting evidence of any claims to ownership.

District-based seizing forest officials will forward a briefing note recommending the sale of seized goods to DDMs other than their District Manager, except where

- the District Manager will conduct concurrent hearings for the purpose of making a statutory determination of non-compliance and an administrative determination on the disposal of the seized goods, or

- it is reasonable to anticipate that the District Manager will not be the DDM responsible for any determination that will involve the same person/s and arises from the same set of circumstances that initiated the seizure.

Any DDM who makes an administrative determination with respect to the sale of seized goods will not act as the DDM for any subsequent statutory determination that involves the same person/s and arises from the same set of circumstances that initiated the seizure.

The briefing note recommending disposition of seized goods will include but is not limited to including,

- time and location of the seizure;
- volume, and value (to the Crown and the owner of the goods if relevant) of the seized goods;
- authority for the seizure;
- the reasonable grounds for seizure;
- copies of all information or documents provided by the owner [purported or otherwise] of the seized goods that may contest the seizure;

- copies of all information or documents provided by any third party claimants to the seized goods.

The DDM may determine whether to sell, return the seized goods to the person from whom they were seized, or to instruct that the seized goods be delivered to another person at the direction of the person from whom the goods were seized, regardless of the final location of the seized goods.

Opportunity to be Heard

Prior to disposing of any seized goods, the person from whom the goods were seized will be offered an opportunity to be heard. This may be written or oral and is at the discretion of the DDM.

The DDM will offer an Opportunity to be Heard to any third party making a claim to the seized goods, regardless of whether the goods were seized from that person. This may be written or oral and is at the discretion of the DDM. However, it is not the role of the DDM to adjudicate between contrary claims of ownership other than to exercise the authority to sell the seized goods, return the goods to the person from whom they were seized, turn the goods over to another person at the direction of the person from whom the goods were seized or to turn the goods over to the jurisdiction of the courts.

A DDM's determination on the disposition of seized goods will be made within 30 days from the date of any Opportunity to be Heard.

Disposition of Seized Goods by a DDM.

DDMs may dispose of any goods seized pursuant to sections 67 (1) (a), (e) (f) or (h) of the Act other than by public auction where there is a risk to forest health or where the quality, quantity, and or location of the seized goods reasonably precludes an expectation of public interest in the auction of the seized goods. In these circumstances, a regionally based DDM will consult with the DM on the disposition of seized goods located within a district.

Seized timber in a volume of greater than 500 cubic meters will be offered to a Timber Sales Manager prior to otherwise disposing of the seized timber.

Goods seized pursuant to sections 67(1) (b), (c), (d) or (g) of the Act will be sold at public auction.

Where the DDM is a District Manager, the DDM may elect to use a Forestry Licence to Cut pursuant to section 47.6 (2.1) of the Forest Act or a FS Form 1231, Sale of Seized Timber Agreement to dispose of the timber.

Where the DDM is a RSM, the RSM will use a FS Form 1231, Sale of Seized Timber Agreement to dispose of the timber.

Where a DDM disposes of seized goods other than by auction, the DDM will provide a rationale in writing for the manner in which the seized goods were disposed.

Recording Seizures

All seizure of timber will be recorded in ERA.

References

- Ministry Policy Manual, Resource Management.
- *Forest and Range Practices Act,*
- *Forest Act,*
- *Range Act.*
- *Administrative Remedies Regulation*

Ministry of Forests
POLICY MANUAL

Subject: *Forfeiture of Livestock*
Branch: Compliance & Enforcement Branch, Forest Practices Branch, Range Program
Signature: Doug Konkin
No: **16.16**
Effective: 15-Feb-05

Scope

This policy covers the seizure and forfeiture of livestock pursuant to section 50 (1) and 68 of the *Forest and Range Practices Act* [the Act].

This policy does not cover forfeiture of timber, timber products, hay and other chattels pursuant to section 67 of the Act. See Ministry of Forests Policy 16.15.

Purpose

To ensure that seizures of livestock:

- Are conducted in a legally defensible and professional manner;
- Are conducted in a provincially consistent manner;
- Are conducted in a manner that can withstand public scrutiny, and
- Consider the public interest.

Definitions

For the purpose of this policy:

"Act" means the *Forest and Range Practices Act*.

"DDM" means a delegated decision maker pursuant to the Act.

"ERA" means the Enforcement Action, Administrative Review and Appeals system for tracking all suspected cases of non-compliance

"livestock" means animals of the genus bos, horses, mules, asses, sheep, goats and any prescribed animal but does not include wildlife designated under the *Wildlife Act*, exotic game animals, bison, swine or poultry.

"person" includes a corporation, partnership, party, or individual

"seizing" means the actual taking away of livestock from a person under authority of s. 68 of the Act

"forest official" means the designated forest official exercising their legal authority and discretion to seize livestock under section 68 of the Act.

Background

In order to seize livestock pursuant to the Act, a person must be a designated forest official as defined by the Act.

Policy

It is Ministry of Forests' policy that:

General

Forest officials have the discretion to seize or not to seize livestock, and where seizure has occurred to lift the seizure and release the seized livestock where appropriate.

Subject to the discretion of the DCL and/or the RCL, no forest official will utilize his or her authority to seize without the proper training in and knowledge of sections 50, 51 and 68 of the Act and this Policy.

Where possible, C&E program staff will consult with Range program staff prior to seizing livestock.

Purpose of Seizure

A forest official may only seize where the official has reasonable grounds to believe:

- livestock are ranging or grazing on Crown land without authority, or
- where livestock are grazing contrary to the Act, the Regulations, a Range Use Plan or a Range Stewardship Plan.

Notification

Except in circumstances where any notification may compromise the integrity of an investigation, the seizing forest official will:

- as soon as possible and no longer than 5 working days after the seizure notify in writing the person from whom the goods have been seized.

The notification will:

- describe the circumstances of the seizure;
- provide the reasonable grounds for the seizure;
- describe the quantity and type of the seized livestock;
- describe the basis of the forest official's authority to seize;
- provide an opportunity for the person to provide any documentation and/or rationale to dispute the seizure or assert ownership; and
- describe any further administrative or quasi-criminal processes that may arise from the seizure.

Discretion

Forfeiture is one option to deal with livestock grazing on Crown land without authority. It may not be appropriate to seize livestock in all circumstances.

In deciding whether to seize livestock, a forest official will determine with reasonable certainty :

- that the livestock are on Crown land without authority, or
- that the livestock are on Crown land where their numbers,

locations, or timing are not consistent with the authority to be on Crown land, or

- where the livestock are not in accordance with the Act, regulations or Range Use Plan or Range Stewardship Plan.

And that

- attempts to identify and contact the owner of the livestock have been unsuccessful; or
- repeated attempts to have the identified owner remove the livestock have been unsuccessful;

And that

- the continued presence of the livestock is detrimental to the Crown range; or
- the continued presence of the livestock is detrimental to the interests of a legitimate holder of a range tenure or licence agreement, or
- the continued presence of the livestock is detrimental to a Crown resource such as wildlife or other values, or
- the continued presence is detrimental to the Crown's interest.

Pursuant to the authority vested in them under section 68 of the Act, an official may destroy livestock if the safety of a person acting pursuant to section 68 of the Act is threatened by an animal that is being driven, rounded up, seized, tranquillised or held.

Pursuant to the authority vested in them under section 68 of the Act, an official may arrange for the destruction of livestock where:

- the livestock would be seized and it is impracticable to round up the livestock, or
- it may be humane treatment to do so and there is no other practicable option, or
- after an unsuccessful attempt to auction the seized livestock.

Prior to arranging the destruction of any such livestock, and subject to any consultation process having a direct impact on the ability of the official to deal with the livestock in a timely and humane manner, the official will consult with:

- the local Cattleman's Association,
- Compliance and Enforcement Branch,
- Range program staff,
- the Ministry of Agriculture, Food and Fisheries,

- the Society for the Prevention of Cruelty to Animals [SPCA],
- a veterinarian, and
- all other stake holders.

Only a person appropriately qualified to do so will manage the destruction of any livestock.

The purpose of the above consultation is to ensure the other agencies and stake holders are aware of the circumstances and may consider them with respect to the potential application of their own legislation and to ensure due consideration of any interest any party may have with respect to the livestock.

Seizure Process

When seizing any livestock, the forest official shall ensure that (other than where doing so may compromise the integrity of any investigation/s):

- the local detachment of the RCMP with jurisdiction over the Crown range is notified;
- the Ministry of Agriculture, Fisheries and Food office having jurisdiction over the Crown range is notified;
- the nearest SPCA is notified;
- the Ministry of Forests Range officer is informed, where possible, prior to and is kept apprised throughout any seizure process;
- where possible, a veterinarian is in attendance to inspect all seized livestock and to report on their condition at the time of their seizure and to make any recommendations regarding the health and well-being during the period of the seizure;
- the seizure is well documented, including video and or still photography before, during and after the seizure;
- an area has been secured for the safe storage of the livestock; and
- the livestock will be monitored at a level that provides for their general care and well being while they are in the possession of the Ministry of Forests.

The seized livestock will not be stored longer than is reasonably necessary to document evidence, to prepare a briefing note, to investigate ownership, to protect the Crown's interest and or to administer the disposal of the livestock pursuant to the Act.

The process from seizure to disposal will be done in an efficient manner that balances the health and welfare of the livestock, the rights and obligations of the owner, and the costs to the Crown for the storage and maintenance of the livestock. Where the owner of the livestock is known, the forest official will inform that person that the seizure is authorized under section 68 of the Act, and

- where appropriate, indicate where the seized livestock will be stored, and
- will inform them of their right to dispute the seizure, and
- will indicate that formal notification will be provided within 5 working days.

Whenever possible, a seizing official will inform C&E program staff of his or her intent to seize livestock from any forest district other than the forest official's base district. The forest official may request that C&E program staff from the other district conduct the seizure. The seizing forest official is the forest official who makes the decision to seize the livestock.

Lifting of Seizures

The seizing forest official may lift a seizure where the seizing forest official:

- has determined that the livestock seized were not on Crown land; or
- has reasonable grounds to believe that the livestock were on Crown land under an authority; or
- is satisfied that the seizure does not serve the public interest; or
- is satisfied that the seizure is no longer necessary to protect the Crown's interest.

Where the seizing forest official has reasonable grounds to believe that the seized livestock is the property of another person[s], and the person from whom the livestock was seized agrees in writing, the seizing forest official may release the livestock to the rightful owner of the livestock after having lifted the seizure.

Where the seizing forest official exercises his or her discretion to lift a seizure, the facts supporting that decision and the rationale for that decision along with copies of any relevant documentation, statements or other evidence will be recorded and placed on the appropriate file. The seizing forest official will inform the owner of the livestock in writing that the seizure has been lifted.

Seizure Costs

A forest official may recover costs from seizure of seized livestock and may only do so pursuant to section 68 (2) (a) (i) of the Act.

A DDM and or a DM may recover costs from the seizure and sale of seized livestock and my only do so pursuant to section 68 (4) of the Act.

Disposition of Seized Livestock

Where the seizing forest official believes it is not appropriate to lift a seizure, the forest official will forward a briefing note to the appropriate DDM with recommendations as to the disposal of the seized livestock.

All determinations by a forest official as to whether to release seized livestock or to recommend disposal of seized livestock will be made in a timely manner and will balance and consider:

- the interests of the Crown;
- the health and welfare of the seized livestock;
- the interests of the person from whom the livestock was seized: and
- the interests of any third party claiming ownership of the seized livestock.

District-based seizing forest officials will forward any briefing note recommending the sale of seized livestock to DDMs other than their District Managers except where:

- the District Manager will conduct concurrent hearings for the purpose of making a statutory determination of non-compliance and an administrative determination on the disposal of the seized livestock, or
- it is reasonable to anticipate that the District Manager will not be the DDM responsible for any determination that will involve the same person/s and arises from the same set of circumstances that initiated the seizure.

Any DDM who makes an administrative determination with respect to the sale of seized livestock will not act as the DDM for any subsequent statutory determination that involves the same person/s and arises from the same set of circumstances that initiated the seizure.

Prior to making any recommendation to sell or dispose of seized livestock, the forest official will:

- make all reasonable efforts to determine ownership; and
- consider all third party claims, and
- make a reasonable effort to solicit supporting evidence of any claims to ownership or authority to graze or range on Crown land.

The briefing note recommending the sale or disposal of seized livestock will include, but is not limited to including:

- time and location of the seizure;
- volume, and value (to the Crown and the owner of the livestock if

relevant) of the seized livestock;

- authority and specific section of the Act under which the livestock were seized;
- the reasonable grounds for seizure;
- the costs of the seizure and storage of the seized livestock;
- a description of any efforts to have the owner reclaim the seized livestock;
- any Range program staff recommendations regarding the livestock;
- any recommendations on the part of Ministry of Agriculture, Food and Fisheries staff regarding the livestock;
- any SPCA recommendations regarding the livestock;
- any recommendation made by a veterinarian regarding the livestock;
- copies of all information or documents provided by the owner [purported or otherwise] of the seized livestock that may contest the seizure; and
- copies of all information or documents provided by any third party claimants to the seized livestock.

The DDM will determine whether to sell; to return the seized livestock to the person from whom they were seized; or to instruct that the seized livestock be delivered to another person at the direction of the person from whom the goods were seized regardless of the final location of the seized livestock.

The DDM will offer an Opportunity to be Heard to the person from whom the livestock was seized as well as to any party making a claim to the seized livestock. This may be written or oral and is at the discretion of the DDM.

Any determination made by a DDM respecting the sale of seized timber will be made within 30 days of any Opportunity to be Heard.

Where a DDM disposes of seized livestock other than by auction, the DDM will provide a rationale in writing for the manner in which the seized goods were disposed. Livestock will be sold at a licensed public sale yard wherever possible. Where livestock are to be sold at a location other than a registered auction yard, a licence to act as a livestock dealer must be acquired, pursuant to the *Livestock Public Sale Act*.

The District Manager and Range Program staff in the district in which the seized livestock reside will administer the auction of seized livestock.

Where an auction of seized livestock does not result in the sale of some or all of the livestock, the DDM will return the livestock to the forest official for disposition pursuant to section 68 of the Act.

Recording Seizures

All documents relating to seizures will be retained on the appropriate file and all seizures will be recorded in ERA.

References

- Ministry Policy Manual, Resource Management;
- *Forest and Range Practices Act*;
- *Forest Act*;
- *Range Act*;
- *Livestock Public Sale Act*

Ministry of Forests
POLICY MANUAL

Subject: Prosecutions
Branch: Compliance and Enforcement
Signature: John Allan

No: **16.19**
Effective: 23-Nov-98

Scope

This Policy must be considered on all investigations undertaken by Ministry of Forests staff to determine if a case warrants forwarding to Crown Counsel for consideration of charges for offences under the *Forest Act*, the *Range Act*, *the Forest Practices Code of British Columbia Act* and their regulations, or the *Criminal Code* (Canada).

The scope of this policy does not include the issuance of tickets, which is addressed in policy 16.11, and does not address when an investigation should take place, which is addressed in policy 16.6.

Purpose

1. To ensure that cases forwarded to Crown Counsel for consideration of charges are made in a consistent manner, and that charges, in consideration of available resources, are recommended by Ministry C&E staff where the fact pattern indicates it is appropriate to do so.
2. To confirm that proceeding with prosecution as prescribed in this policy does **not** limit the Ministry's ability or responsibility to consider proceeding with administrative remedies against those persons involved in the case. However, where it is determined that an administrative remedy is in order and Crown Counsel plans to proceed with charge approval, the statutory decision maker must ensure that their enforcement actions will not adversely impact the pending prosecution.

Definitions

For the purposes of this policy:

"compliance & enforcement leader" means that person designated by name to act as the district's/region's/fire control area's representative on all compliance and enforcement issues. The compliance & enforcement leader must not be the District Manager, Regional Manager, or the Manager of the Fire Control Centre.

"Crown Counsel" means an Environmental Crown Prosecutor employed by, or on contract to, the Criminal Justice Branch of the Ministry of Attorney General.

"offence" means any contravention of a section of an act or regulation that is designated by that act or regulation as being an offence.

"person" means a corporation, partnership, party, or natural person and the personal or other legal representatives of a person to whom the context can apply according to law.

"Report to Crown Counsel" means a formal document submitted to Crown Counsel containing all the information and evidence necessary for Crown Counsel to make an informed charge.

"charge approval" means the decision process of Crown Counsel where he/she reviews all the information and evidence submitted to them by way of a Report to Crown Counsel in order to determine if the case should proceed to prosecution.

Policy

It is Ministry policy that:

Independence of Investigator

The lead investigator's decision as to whether information and evidence gathered in an investigation supports prosecution is to be independent from management influence.

Authority to Recommend Charges

All decisions regarding charge approval remain the responsibility of the Criminal Justice Branch of the Ministry of Attorney General. Nothing in this policy precludes Crown Counsel from providing legal advice to the investigators at any time regarding cases and questions of general policy.

Evaluation Process Leading to a Report to Crown Counsel

The evaluation process leading up to a decision of whether or not the Ministry will forward a Report to Crown Counsel addresses two important operational questions:

1. Does the information and evidence gathered to date on the case meet the prosecution test (i.e., is the alleged contravention an offence and do the facts support submitting the case to Crown Counsel)?
2. Can the Ministry support the investigation to the extent necessary to provide Crown Counsel with all the information and evidence necessary to make an informed charge approval decision?

1. Prosecution Test Process

Management objectives unrelated to enforcement are not relevant. The decision as to whether or not the case meets the prosecution test is to be based solely on the fact pattern of the case and is to be made by the investigating officer with assistance from regional experts and other district staff as the investigating officer deems appropriate.

The test should be applied, where practical, prior to the investigation being completed to ensure administrative processes do not interfere with evidence gathering. Re-evaluation of the test should take place whenever significant information or evidence is obtained that could alter the original decision with regard to whether a case should be forwarded, via a Report to Crown Counsel, to Criminal Justice Branch for an informed charge approval decision.

Region Enforcement Specialist Must Be Consulted

Whenever the lead investigating officer has reason to believe that information or evidence gathered to date on an ongoing investigation indicates it is appropriate to develop a Report to Crown Counsel (i.e., the facts seem to pass the prosecution test), the officer must inform the regional compliance & enforcement leader (or delegated contact) and request that a regional enforcement specialist be assigned to the case to assist in the official evaluation of the prosecution test. The regional C&E leader will document all those requests for assistance and assign a specialist to provide that expert advice.

The lead investigating officer will make a decision as to whether the test is met only after discussing the information and evidence on the case with the regional specialist and where applicable the Compliance & Enforcement Branch, other agencies including the RCMP, or other enforcement staff. If the investigation deals with fire cause or other protection-related issues, a representative of the Protection Program will also be consulted. The district/fire control area compliance & enforcement leader can provide input into the decision, however the prosecution test decision rests solely with the investigating officer.

Prosecution Test Must Be Considered On All Investigations

The charge approval process used by Criminal Justice Branch determines whether there is a substantial likelihood of conviction, and whether it is in the public interest to prosecute. In order to assist the decision maker in determining if a case should be forwarded to Crown Counsel for consideration of charge approval, a Prosecution Test has been developed.

Prosecution Test

Charges will be recommended where:

- the investigator has reasonable and probable grounds to believe that an offence has occurred against provincial forestry legislation or the *Criminal Code* (Canada);

AND ONE OR MORE OF THE FOLLOWING FIVE CONDITIONS ARE MET:

- administrative remedies alone, or other attempts to gain compliance have not been effective in the past;
- the offence was a consequence of recklessness or negligence;
- the offence has serious impact on, has damaged, or has potential to damage the environment, or has endangered the property or safety of innocent parties;
- there was intent to commit an offence; or
- the public interest in the maintenance of legislative requirements otherwise demands a prosecution.

AND ALL OF THE FOLLOWING FOUR CONDITIONS ARE MET:

- there is likelihood of conviction;
- the evidence shows the offence occurred;
- the evidence shows the involvement of each of the parties involved; and
- the standard of care taken by the person was below what could be reasonably considered duly diligent.

Who to Charge

Where the above factors indicate that a Report to Crown Counsel should be made, care will be taken to ensure that the appropriate person is charged. In order to obtain enough information and evidence to make recommendations to Crown Counsel on whom to charge, the investigator will investigate all parties involved in the wrongdoing, to determine:

- the degree to which each party's actions contributed to the wrongdoing;
- the degree of control each party had over the wrongful action;
- the economic benefit each party could have realized from the wrongdoing;
- the degree of wilfulness on the part of each involved party; and
- the degree of due diligence shown by each party to the wrongdoing.

2. *Resource Implications Process*

If the lead investigating officer determines that development of a Report to Crown Counsel is appropriate, the district/fire control area C&E leader will review the case details as required to determine whether there is sufficient resources (expertise and budget) in the district/fire control centre to complete the investigation to the degree necessary to gather the information and evidence necessary to support charge approval.

If it is determined that there are not sufficient resources in the district or fire control centre, a briefing note will be forwarded to the regional C&E leader, indicating the identified shortfall in resources that precludes the district/fire control centre from conducting a prosecution focused investigation. The regional C&E leader will review the shortfall of resources, and will determine whether the shortfall can be made up by reallocating regional resources. Where regional resources are unavailable, other regions or branches are to be contacted for assistance. If the regional C&E leader is not able to provide the necessary resource shortfall, the district C&E leader and Provincial C&E leader will be advised. A provincial record of all cases that cannot proceed due to resource shortfall is to be kept by the C&E Branch.

If it is determined that additional funds are required to cover non-traditional, extraordinary investigation costs, the appropriate compliance & enforcement leader may consider a request for funding from the remediation sub-account (see policy 16.24, *Remediation Sub-account*).

Briefing of Appropriate Staff

To ensure that the decision on whether or not to prosecute is based solely on the facts of the case and are not influenced by other management considerations in the district/fire control centre, the District Manager/Manager of the Fire Control Centre, Regional Manager, or Executive will not be involved in the process outlined in this policy. The District Manager, Regional Manager, Manager Fire Control Centre, and Executive will be briefed to the extent necessary, but will have no decision-making or veto powers regarding whether the prosecution is to be pursued or which party will be recommended for prosecution.

Limitation Periods

The limitation period for prosecution under the *Forest Practices Code of British Columbia Act* or its regulations is 3 years from the time the information first came to the knowledge of the District Manager, Regional Manager, or Chief Forester.

The limitation period for prosecution under the *Range Act* or its regulations is 3 years from the time the facts on which the proceedings are based first come to the knowledge of the Minister.

The limitation period for prosecution under the *Forest Act* or its regulations is 2 years from the commission of the offence.

The limitation period for the prosecution of summary offences under the *Criminal Code* (Canada) is 6 months.

There is no limitation period for the prosecution of indictable offences under the *Criminal Code* (Canada).

References

- *Forest Act, ss. 159-163*
- *Range Act, s. 47*
- *Forest Practices Code of British Columbia Act*, ss. 143-158
- Log Salvage Regulation for the Vancouver Log Salvage District, s. 21
- Scaling Regulation, s. 21
- Timber Marking and Transportation Regulation, s. 11
- Timber Harvesting Contracts and Subcontracts Regulation, s. 6
- Range Practices Regulation, s. 10
- Forest Recreation Regulation, s. 19
- Forest Fire Prevention and Suppression Regulation, s. 41
- Forest Service Road Use Regulation, s. 13
- Tree Cone, Seed, and Vegetative Material Regulation, s. 6
- Security for Forest Practices Liabilities Regulation, s. 4
- *Criminal Code* (Canada), ss. 322, 338, 339, 380, 430, 433, 434 & 434.1
- Ministry Policy Manual, Resource Management, 16.24, *Remediation Sub-account;* 16.6, *Investigations;* 16.11, *Ticketing*; 16.10, *Determinations*

Ministry of Forests
POLICY MANUAL

Subject: Selection and Responsibilities of Review Officials and Panel Members for Administrative Reviews - Section 127 and 128
Branch: Enforcement Branch
Signature: Gerry R. Armstrong

No: **16.22**
Effective: 05-June-95

Scope

This policy covers the selection and major responsibilities of Review Officials and panel members participating in Administrative Reviews as provided for by sections 127 and 128 of the *Forest Practices Code of British Columbia Act*, and prescribed by the *Administrative Review and Appeal Procedure Regulation*.

Purpose

To ensure that personnel participating in Administrative Reviews adhere to legislated requirements and uphold the rights of the appellant, and to ensure Senior Official determinations, or decisions not to make a determination, are done in a procedurally correct and fair manner.

Definitions

For the purpose of this policy:

"Act" means the *Forest Practices Code of British Columbia Act*

"appellant" means a person that appeals a review decision under section 131(1) of the Act. Appellant includes the board if the board:

a) appeals such a review decision; or,
b) under section 131 (5) is a party to an appeal of a review decision

"board" means the Forest Practices Board established under section 190 of the Act

"commission" means the Forest Appeals Commission established under section 194 of the Act

"determination" means any act, omission, decision, procedure, levy, order, or other determination made under this Act, the regulation, or the standards by an official or a senior official

"official" means:

a) a designated forest official; or,
b) a designated environment official; or,
c) a designated energy, mines, and petroleum resources official

"panel" means person or persons employed under the *Public Service Act* and designated as reviewers by the review official

"panel chair" means a panel member chairing the review panel

"regulation" means the *Administrative Review and Appeals Procedure (Forest Practices Code of British Columbia Act) Regulation*

"requesting person" means a person who makes a written request for a review of determination. This includes the board if the board makes a written request for a review of a determination or of a failure to make a determination.

"review official" means

a) for all purposes relating to a request for review by the requesting person, means the official specified in the notice of determination

b) for purposes relating to a request by the board under section 128 (2) of the Act, means the Deputy Minister

"reviewer" means the person or persons assigned by a review official for the purpose of a review of a determination referred to in section 129 of the Act

"senior official" means

a) a District Manager or Regional Manager; or,

b) a person employed in a senior position in the Ministry of Forests, who is designated by name or title to be a senior official for the purposes of this Act by the Minister of that ministry; or,

c) a person employed in a senior position in the Ministry of Environment, Lands and Parks, who is designated by name or title to be a senior official for the purposes of this Act by the Minister of that ministry; or,

d) a person employed in a senior position in the Ministry of Energy, Mines and Petroleum Resources, who is designated by name or title to be a senior official for the purposes of this Act by the Minister of that ministry

Policy

Designation of Review Official

It is Ministry Policy that:

Each Regional Manager and the Director of Protection Branch shall designate in writing a Review Official, and forward the name of that person to district offices, the Forest Practices Board, and the Director of Enforcement Branch.

Each Regional Manager and the Director of Protection Branch should designate in writing a alternate person to act on behalf of the Review Official during his or her absence, and forward the name of that person to district offices, the Forest Practices Board, and Director of Enforcement Branch.

The Assistant Deputy Minister of Operations shall also designate a Review Official and alternate for the purpose of reviewing determinations made by the Regional Manager or Director of Protection Branch, and to handle requests from the Board made under section 128(2) of the *Act*, and forward the name of that person to the regional office, Protection Branch, Enforcement Branch, and the Forest Practices Board.

*Note: There is no requirement for Review Officials to be Senior Officials.

Responsibility of Review Officials

Review Officials are responsible for:

1. a) Checking the request for review received from the requesting person or the board (except for requests received under 128 (1) (b) of the *Act*) for validity and completeness as required by section 3 of the Regulation,

   and

   b) Conducting activities as required by section 4 of the Regulation if deficiencies exist in the written request for review;

   c) Notifying affected parties following receipt of the written request for review as prescribed in section 5 of the Regulation.

2. a) Determining if a panel or single reviewer is appropriate for the review and determine membership of panel to conduct review;

   b) Ensuring panel members have not participated in the determination or investigation associated with the determination which is the subject of the review;

   c) Designating a panel member as panel chair.

3. a) Arranging the scheduling of meeting rooms, recording of oral hearings if necessary, and distribution of panel findings;

   b) Ensuring all legislated time frames pertaining to the review are followed and amended where necessary as provided for in the Act.

4. Distributing reviewers decision to the appropriate parties.

5. Updating the Enforcement Action, Administrative Review and Appeal Tracking System (ERA).

Panel Member (Reviewer) Selection

Panel member selection is the sole responsibility of the Review Official. Selection will be made on the basis of section 129 in the *Act* and section 6 of the Regulation, which outlines the procedures following receipt of written request for review.

In addition, the Review Official will select reviewers from other ministries where appropriate and as provided for in the Memorandum of Understanding and Local Agreements.

A review may be performed by one individual or a panel as determined by the Review Official. There is no prescribed limit regarding panel membership, and therefore requires discretion on the part of the Review Official regarding panel size and composition. When determining panel membership the Review Official must consider:

1) the seriousness and complexity of the case;
2) current ministry workloads; and,
3) the public interest.

Composition of Review Panels

Normally, Review Officials will not participate directly as a review panel member. However, under certain circumstances, the need to expedite a review may require direct participation of the Review Official who may:

1) conduct a review as a panel of one where the request for review pertains to a specific and/or minor matter;
2) chair a review panel for the sake of efficiency;

3) participate as a panel member where the best interests of the public are served;
4) attend review panel hearings as an "outside member," with no voting privileges to observe procedure and suitability of panel membership.

Reviews of determinations which are linked to investigations or enforcement actions by other agencies, or require expert advice and/or evaluation held by personnel in other agencies, may require joint membership of the review panel. Under no circumstances will review panel membership include personnel not employed under the *Public Service Act*. Advice from parties who are not employees of the government may be solicited by the review panel. Legal advice will provided by ad hoc counsel through the Legal Services Branch.
To avoid split votes and resulting delays, review panels will consist of an odd number of members. All stages of the review must have participation of the complete panel.

Decisions of the panel will be determined by the majority when all members are present. The Chair of the panel does not have veto powers.

If one or more members of the panel are unable to complete the review, the Review Official may either:

1) designate a new member(s) to complete the review if no hearing has occurred; or,
2) decide to complete the review with the remaining panel members.

If either occurs the Review Official must notify all affected parties in writing.

Complaint of Reviewer Selection

No statutory provision exists for the appellant to participate in the selection of reviewers.

When a complaint occurs regarding the panel membership, the Review Official must ascertain if the complaints are well founded. It is the sole responsibility of the Review Official to decide if reviewer membership should be changed and may be done at his or her discretion.

If review membership is changed, the Review Official must notify all parties in writing documenting the reason for membership change. The review period may not be extended under such circumstances.

Responsibilities of the Review Panel Chair and Members

Upon selection of the review panel, all subsequent activities are the responsibility of the panel chair. Review panels must consider review responsibilities as a **priority task** and respect the legislated time requirements for completion of the review and delivery of the written decision which is **within 60 days** of receipt of an acceptable request for review. When scheduling activities, consideration of the time needed to prepare and deliver associated documents must be considered, for both the review panel and other involved parties.

Upon establishment of the panel and designation of the chair, it must be determined by the panel chair if a hearing will be conducted, or if the review will be based on written submissions and other existing evidence. The panel chair will notify the Review Official of this decision in order that the Review Official can arrange the necessary facilities.

Upon completion of the review, the panel chair is responsible for ensuring that the panel decision, and recommendations regarding that decision, are properly documented, signed by each panel member, and submitted to the Review Official for distribution to the appropriate parties, with a copy to the Administrative Review and Appeals Officer at Enforcement Branch.

Discovery of Matters Beyond Scope of Review

The discovery of matters beyond the scope of the review involving activities outside of forest legislation or not in the best interests of the Ministry may occur. If discovery does occur of other matters, the Regional Manager or District Manager shall be notified. Discovery of matters involving third parties or personnel employed under the Public Service Act should be brought to attention of the Regional Manager, Assistant Deputy Minister of Operations, or Enforcement Branch. It is the responsibility of these officials to act upon such matters.

References

- *Forest Practices Code of British Columbia Act*
- *Administrative Review and Appeals Procedure (Forest Practices Code of British Columbia Act) Regulation*
- *Public Service Act*

Scope

The Forest Stand Management Fund—Environmental Remediation Sub-Account has been established to:

1) receive all revenue payable from penalties levied under Part 6, Division 3 of the *Forest Practices Code of British Columbia Act*; and
2) provide for expenditures as prescribed under the *Special Accounts Appropriation and Control Act*.

Purpose

To provide a mechanism for funding remedial work and special investigations costs related to contraventions under the *Forest Practices Code of British Columbia Act*.

Policy

It is Ministry policy that:

1. Revenue payable under Part 6, Division 3, of the *Forest Practices Code of British Columbia Act* will be paid into the Remediation Sub-Account and will be recorded when an invoice is issued for penalties as described in Part 6, Division 3.
2. Expenditures may be incurred by the Remediation Sub-Account for purposes related to the following:
   a) carrying out work under section 118(3)(b) of the *Forest Practices Code of British Columbia Act*;
   b) remedying or carrying out work to mitigate environmental damage, or potential environmental damage, to Crown forest land or Crown range land directly related to contraventions under the *Forest Practices Code of British Columbia Act* or the regulations and standards made under that Act;
   c) extraordinary expenses related to investigations of contraventions under the *Forest Practices Code of British Columbia Act* or the regulations and standards made under that Act;
   d) hiring of expert witnesses; and,
   e) fire suppression costs relating to contraventions under the *Forest Practices Code of British Columbia Act* or the regulations and standards made under that Act if a penalty has been levied under that Act in respect of the contravention.
3. All expenditures must be in accordance with the *Financial Administration Act*.

4. Revenue and expenditures recorded in this account are to be reported on quarterly to the Assistant Deputy Minister of Operations.
5. All expenditures must be in accordance with the procedures established, approved, and maintained by the Compliance & Enforcement Branch, Ministry of Forests. Nonetheless, the following expenditures will not be funded by the account:
    1) salary or overtime costs for employees;
    2) employee travel expenses associated with an investigation;
    3) remedial work in excess of that required to return a site to a satisfactory condition;
    4) and repair or replacement of bridges and structures.
6. Spending Authorities: The Director, Compliance & Enforcement Branch, is responsible for approving expenditures up to $50,000. The Assistant Deputy Minister, Operations Division, is responsible for approving expenditures in excess of $50,000 and less than $100,000, Expenditures of $100,000 or more are to be approved by Treasury Board.
7. Unless approved by Treasury Board, the total expenditures will not exceed the revenue paid into the account.

References

- *Special Appropriations and Control Act*, s. 5
- *Forest Practices Code of British Columbia Act*, s. 117.2
- *Financial Administration Act*
- Remediation Sub-Account Procedures

Ministry of Forests
POLICY MANUAL

Subject: Collusion Deterrence and Enforcement
Branch: Compliance & Enforcement Branch
BC Timber Sales Headquarters, and
Revenue Branch
Signature: Doug Konkin

No: **16.25**
Effective: 1-Sept.-03

Scope

This policy applies to all timber harvested under section 12 of the *Forest Act*.

Purpose

To deter, detect, monitor, report, and investigate collusive bidding practises related to timber sale licences advertised and entered into by timber sales managers.

To deter, detect, monitor, report, and investigate collusion in the bidding on, and/or purchase of, and/or sale of timber harvested under an agreement pursuant to section 12 of the *Forest Act*.

To enable the prosecution of persons alleged to have taken part in such practices.

Definitions

A **"Bidder"** is a person deemed eligible to submit an application for a timber sale licence advertised by a timber sales manager pursuant to section 20 of the *Forest Act* or an associate, employee, or agent of that person.

"Collusion" is generally defined as the making of an agreement by two or more persons for the purpose of perpetrating fraud, or engaging in illegal activity, or in legal activity with an illegal end in mind.

With respect to timber sale licences "collusion" may, without limitation, be evidenced where:

- A Bidder/s offers an inducement to another Bidder in an attempt to have the other Bidder bid in a particular manner.
- A Bidder/s threatens another Bidder in an attempt to have the other Bidder bid in a particular manner.
- Bidders agree not to bid in an attempt to ensure there are no bids.
- Bidders bid in a manner prearranged between themselves.

With respect to the purchase and sale of timber harvested under an agreement pursuant to section 12 of the *Forest Act*, "collusion" may also be, but is not limited to instances, when, on the open market:

- A person offers an inducement to another person in an attempt to have the other person bid on the purchase of timber or agree to sell timber in a manner designed to defraud another person.
- A person threatens another person in an attempt to have the other person bid on the purchase of timber or agree to sell timber in a manner designed to defraud another person.
- There is an agreement between persons not to bid on the sale of timber in an attempt to ensure there are no bids on that particular sale of timber.
- Purchasers bid on the sale of timber or sellers agree to sell logs in a manner prearranged between themselves, for an improper purpose.

Policy

All suspected incidents of collusion in the sale and purchase of timber harvested under section 12 of the *Forest Act* will be investigated. All suspected incidents of collusion in the BCTS timber sale licence bidding process will be investigated.

It will be recommended to the statutory decision maker that the first person involved in a collusive practice to voluntarily provide evidence of the collusion be granted immunity from any administrative penalty. It will be recommended to Crown Counsel that the first person involved in a collusive practice to voluntarily provide evidence of that collusion be granted immunity from prosecution.

Responsibilities

Timber Sales Manager

The Timber Sales Manager is responsible for:

- Reporting all activities that might be considered as collusion in the timber sale licence bidding process to the Regional Compliance and Enforcement Manager.
- Providing BCTS staff to act as experts on the timber sale bidding process when requested by the Regional Compliance and Enforcement Manager.
- Maintaining a database of all bids received and awards tendered during the timber sale licence bidding process.
- Assisting Compliance and Enforcement staff in the development of reports for the purpose of analysing for suspicious trends or patterns in the timber sale licence bidding process.
- Implementing the Memorandum of Understanding between BC Timber Sales and the Compliance and Enforcement program.

The Director of Revenue Branch

The Director of Revenue Branch is responsible for:

- Providing Revenue Branch staff as experts when requested by the Regional Compliance and Enforcement Manager.
- Notifying the Regional Compliance and Enforcement Manager of any suspected collusion in the buying and selling of timber harvested under section 12 of the *Forest Act*.

The Regional Compliance and Enforcement Manager

The Regional Compliance and Enforcement Manager is responsible for:

- Investigating all reports of collusion.
- Conducting random audits of the timber sale license bidding process.
- Recommending to the statutory decision-maker that a Bidder or person who participates in bid rigging in any form and who voluntarily first provides evidence of that bid rigging be granted immunity from any administrative penalty.
- Recommending to Crown Counsel that a Bidder or person who participates in bid rigging in any form and who voluntarily first provides evidence of that bid rigging be granted immunity from prosecution.
- Implementing the Memorandum of Understanding between BC Timber Sales and the Compliance and Enforcement program.

References

Forest Act, ss. 12, 20, 164, 164.1, and 165.1
Small Business Forest Enterprise Regulation

Ministry of Forests

POLICY MANUAL

Subject: *Management Roles and Responsibilities within the Compliance & Enforcement Program of the Ministry of Forests*
Branch: Compliance & Enforcement Branch, Regional and District Offices
Signature: Doug Konkin

No: **16.26**
Effective: 2-Feb.-04

Scope

The responsibilities of Ministry of Forests Managers as they apply to the Compliance and Enforcement [C&E] program.

Purpose

To articulate roles and responsibilities within the Ministry of Forests C&E program in order to:

- Achieve C&E's new independent yet integrated structure.
- Build a functionally independent C&E program that maintains its forest management "roots".
- Strengthen the C&E program's ability to deal with revenue protection while maintaining its ability to deal with environmental protection.
- Enhance the C&E program's ability to deal with "forest crimes".
- Promote provincial consistency in the application of the C&E program's mandate, policy and procedures.

Definitions

"ADM" means the Assistant Deputy Minister, Operations and BCTS.

"BD" means the Branch Director.

"CIMS" means the Compliance Information Management System.

"DCL" means the District Compliance Leader of a forest district as so designated by the DM.

"DM" means the District Manager of a forest district.

"ERA" means the Enforcement Action, Administrative Review and Appeals system for tracking all suspected cases of non-compliance.

"prosecution test" means the prosecution test as defined and described in Policy 16.19, Prosecutions.

"SDM" means statutory decision maker.

"SIU" means special investigation unit.

"RCL" means the Regional Compliance Leader for each of the three Forest Regions.

"RCEM" means the Regional Compliance and Enforcement Manager for each of the three Regions.

"RM" means the Regional Manager of each of the three Regions.

"RMT" means the Regional Management Team.

Policy

As a general principle, C&E program staff will inspect and enforce statutory obligations as opposed to those obligations contained in a licence agreement which are not statutory in nature.

1. STRUCTURE:

- The DCL reports to the DM. The DM and RCL report to the RM. However, there is a significant functional relationship between the DCL and RCL. A similar functional relationship will exist between the RCL and the Branch Director.
- The RCL will be the Regional Staff Manager responsible for C&E.

2. INVESTIGATIONS:

- RMs and DMs do not have any active role in the course or conduct of an investigation and must avoid all involvement in investigations.
- The RCL/DCL may advise the DM/RM of any high profile investigations to enable the DM or RM to avoid discussing any related issues with parties to any investigation.
- The RCL will determine which district investigations are significant enough to warrant SIU participation.
- The RCL is responsible for decisions on the temporary reassignment of district and regional C&E program staff in support of specific investigations. The RCL will consult with affected DMs prior to any reassignment. Temporary reassignment is no more than 2 staff for no more than 2 weeks. The RCL is accountable for the reasonable exercise of this authority. The RCL will advise the C&E Branch Provincial Co-ordinator when this authority is exercised.
- The BD is responsible for the temporary reassignment of regional SIU staff to support Provincial priorities.
- Branch staff may not conduct investigations in regions other than at the request of the RCL, except for internal investigations.

3. INSPECTION PLANNING:

- The RCL and RCEM will facilitate planning sessions with the RMT. RMT will provide input into Regional C&E priorities. The regional inspection plan and risk rating procedures will reflect those priorities.
- The RCL will develop and support the regional inspection plan and associated risk rating procedures.
- The DCL will develop the district inspection plan.
- The RCEM will review the district inspection plans for consistency and will provide an evaluation of these plans to the RMT.

4. COMPLAINTS (PUBLIC AND INTERNAL):

- The DCL and RCL will deal with verbal complaints at the district and regional level. Complaints of a significant nature arising from a district will be forwarded to the RCL. Complaints of a significant nature arising from a region will be forwarded to the C&E Branch Director.
- The RCL in consultation with the DCL will investigate or cause to be investigated all formal written complaints regarding the enforcement actions of district C&E staff.
- The C&E Branch Director in consultation with the RCL will investigate or cause to be investigated all formal written complaints regarding the enforcement actions of regional SIU staff.
- The DCL, RCL and the Branch Director will forward investigative reports to appropriate line managers for action.
- DMs and RMs may request an internal investigation.

5. QUALITY ASSURANCE:

- The DCL is responsible to ensure consistent application of the C&E regime within the district, which includes the application of legislation, policy, and procedures. The DCL will report on quality assurance within the C&E regime to the RCL.
- The RCL is responsible to ensure consistent application of the C&E regime within the region, which includes the application of legislation, policy and procedures. The RCL will report on quality assurance within the C&E regime to the RM and the DM.
- The BD is responsible to ensure consistent application of the C&E regime across the three regions, which includes the application of legislation, policy and procedures. The C&E Branch Director will report on quality assurance within the C&E regime to the RM and to the ADM, Operations through the Executive Director, Operations.
- The BD will develop policy for the purpose of protecting staff who bring forward allegations of actions that might compromise the integrity of the C&E program.

6. TRAINING:

- RCLs and DCLs will work with the C&E Branch Director to establish core training competencies.
- The RCLs work with the BD to ensure training and expertise is provincially balanced.
- The RCEM will co-ordinate training within the Region and will ensure training and expertise is balanced among districts.

- The DCL will co-ordinate training within the district and will ensure training and expertise is balanced among district staff.
- The C&E Branch Training Manager co-ordinates training across the province and works to develop new training based on ministry and program needs.

7. **MENTORING/ OPERATIONAL ADVICE:**

- The DCL provides district staff with mentoring and operational advice.
- The RCL and RCEM provide the DCL with mentoring and operational advice.
- The RCL and DCL (and all staff) must indicate whether or not they are conflicted prior to providing advice to SDMs regarding statutory decisions.
- The Branch Director provides the RCL and the DCL with mentoring and operational advice, and provides guidance on conflicts with staff advising SDMs regarding statutory decisions.

8. **HUMAN RESOURCES:**

- Transfer of C&E FTEs, other than temporary transfer as defined below, requires ADM approval. Requests for permanent transfers will include a RM/DM rationale for transfer as well as a RCL and BD assessment of impact on Service Plan delivery.
- The DCL will provide advice to the RCL on any temporary movement of C&E FTEs out of the C&E program.
- The RCL will evaluate any temporary movement of C&E FTEs to assess the impact on service plan delivery and will provide advice to the RM and DM.
- C&E FTEs may not be moved to conflicted positions such as tenures and/or appraisals.
- Temporary movement of FTEs is defined as +/-5% of the regional FTE allocation for no more than 4 weeks.
- Temporary movement may not impact any ongoing investigations.
- The RCL will advise the BD of any transfer of C&E FTEs.

9. **FINANCIAL:**

- The RCL will evaluate any movement of C&E funding to assess the impact on Service Plan delivery and will provide advice to the RM and DM.
- The RCL will advise the BD of any proposed budget changes.

- The BD will provide advice on the movement of C&E funding, based upon the impact of such movements on Service Plan delivery, to the RCL as well as to the ADM, through the Executive Director, Operations.

10. REVENUE PROTECTION/ FOREST CRIMES:

- The RCL/s and BD will ensure the Service Plan addresses "Revenue Protection" and "Forest Crimes" as directed by the Deputy Minister.
- The RCL will manage the SIU in a manner that ensures Service Plan goals are achieved.
- The DCL will manage district staff in a manner that ensures Service Plan goals are achieved.

11. PROSECUTIONS:

- The RM and the DM have no role in directing prosecutions.
- The RCL and the RCEM co-ordinate region-led prosecutions, ensure the independence of regional investigations, and the use of the prosecution test.
- The RCL and the RCEM are responsible for evaluating all district prosecution tests prior to the development of a Report to Crown Counsel.
- The DCL co-ordinates district led prosecutions, ensures the independence of district investigations, and the use of the prosecution test.
- The Branch Provincial Co-ordinator is responsible for evaluating all regional prosecution tests conducted by SIU staff prior to the development of a Report to Crown Counsel.

12. SYSTEMS:

- The RM and DM do not have access to ERA, other than to request reports on determinations.
- The RCL supports ERA and CIMS and monitors district maintenance pursuant to policy.
- The DCL ensures ERA and CIMS data are maintained pursuant to policy.
- C&E Branch is the provincial data custodian role for ERA and CIMS.

13. ACTING ROLES:

- The RCL may act on behalf of the RM, but must not involve him or herself in any roles or responsibilities that conflict with his or her role as C&E Leader. These roles must be delayed or delegated. Acting on a long-term basis is to be avoided.

- The DCL may act on behalf of the DM, but must not involve him or herself in any roles or responsibilities that conflict with his or her role as C&E Leader. These roles must be delayed or delegated. Acting on a long-term basis is to be avoided.
- The Branch Provincial Co-ordinator may act on behalf of the BD, but must not involve him or herself in any roles or responsibilities that result in conflict. These roles must be delayed or delegated. This includes acting in other roles within Operations Divisions and the Executive. Acting on a long term basis is to be avoided.

References

Ministry Policy Manual, Resource Management.
BC Ministry of Forests C&E Roles and Responsibilities Review Power Point.

Ministry of Forests

POLICY MANUAL

Subject: *Special Investigation Units within the Compliance & Enforcement Program of the Ministry of Forests*
Branch: Compliance & Enforcement Branch, Regional and District Offices
Signature: Larry Pederson

No: **16.27**
Effective: 7-Nov.-03

Scope

The responsibilities and reporting relationships of Special Investigations Unit (SIU) staff of the C&E program within the Ministry of Forests.

Purpose

To identify the roles and responsibilities of SIU staff within the C&E program of the Ministry of Forests.

Definitions

"Branch Director" means the Director, Compliance & Enforcement Branch.

"DCL" means the District Compliance & Enforcement Leader.

"RCL" means the Regional Staff Manager who is the Regional Compliance Leader.

"RCEM" means the Regional Compliance & Enforcement Manager.

"SIU" means the Regional Special Investigations Units comprised of senior investigators from within the Ministry of Forests, including those Protection Program staff so designated as being within an SIU on a temporary basis.

"strict confidentiality" means not to be shared with any other person.

Policy

It is Ministry of Forests' policy that:

General

SIU staff are a regional and provincial resource and are regionally based and funded. SIU staff report to the RCEM.

SIU staff are dedicated C&E program staff and may not be assigned duties outside the C&E regime other than as described in *Policy 16.26, Management Roles and Responsibilities within the C&E program.*

SIU staff may be assigned duties other than investigations, such as training, mentoring, quality assurance or other matters relevant to and within the C&E program mandate, by the RCL or the RCEM.

Investigations

SIU staff will focus on high impact contraventions or offences that are beyond a district C&E program's ability to manage due to their complexity, high profile, cross-district or regional nature, inter-agency requirements, or greater public interest.

SIU staff may conduct internal investigations of those Ministry staff performing a C&E function as deemed appropriate by the RCL and or the Branch Director.

The RCL and the RCEM will determine whether or not the SIU will lead an investigation. The RCL and RCEM will consult with the DCL prior to assigning an investigation within a forest district to SIU staff other than where doing so may compromise the integrity of an investigation. The DCL may request SIU assistance on a district led investigation.

SIU led investigations may involve district C&E program staff on a case-by-case basis. The RCL and/or the RCEM will consult with the DCL prior to requesting district assistance for any SIU led investigation. Temporary reassignment of district C&E staff may occur pursuant to *Policy 16.26, Management Roles and Responsibilities within the C&E Program.*

SIU staff from one region may conduct an investigation in another region. The RCEM or the RCL will only initiate a cross-regional SIU investigation after consultation with the Provincial Co-ordinator, Investigations and Enforcement, and the RCEM or RCL in the relevant region.

A SIU staff may request strict confidentiality with respect to any investigation, and the DCL, in consultation with the RCM or the RCL, will notify the RCEM of his agreement to abide by the strict confidentiality of notification of any investigation. Confidentiality restrictions may be applied to the District C&E program staff as well as other Ministry staff.

Procedures

The RCLs and the Branch Director may create procedures with respect to the assigning of SIU investigations; the management of SIU investigations; and the involvement of district C&E program staff in SIU investigations.

References

Ministry Policy Manual, Resource Management.

Ministry of Forests

POLICY MANUAL

Subject: *Compliance and Enforcement Program Standards of Conduct*
Branch: Compliance & Enforcement Branch, Regional and District Offices
Signature: Doug Konkin

No: **16.29**
Effective: 18-Aug.-04

Scope

This policy outlines standards of conduct for those staff within the Ministry of Forests who perform a compliance and enforcement function.

Background

The published "Standards of Conduct for Public Service Employees" are incorporated throughout this policy.

Ministry of Forests staff working within the compliance and enforcement regime support and serve as law enforcement officials and/ or Special Provincial Constables, and are entrusted with confidential information and have law enforcement authority related to clients and matters that may come before administrative tribunals and the Courts. To comply with these responsibilities, C&E program staff adhere to special standards of on and off-duty conduct beyond the expectations of regular government employees. These special standards are set out under C&E program standards.

Purpose

These standards satisfy the expectations of employees and management for a code of professional behaviour that is common to all staff who perform a C&E function. For the C&E program to provide safe, reliable and consistent service, it is important that public service employees understand and uphold these standards.

Policy

It is Ministry policy that Ministry staff who perform a C&E function, while adhering to the Public Service standards of conduct, will also adhere to these C&E program Standards of Conduct.

General Standards of Conduct

C&E Program Standards

Our standing as law enforcement officials requires that we maintain principled and honest relationships in our dealings with our colleagues in the Ministry of Forests, the public service, the courts, police, judiciary, and other agencies, as well as with clients and former clients of the C&E program.

We, as C&E program staff, will instil confidence and trust in the general public and we will not bring the Ministry into disrepute.

We will avoid situations that violate, or are perceived to violate, this policy. If we find ourselves in a situation that violates policy, we will inform our immediate supervisor and we will work toward correcting and or clarifying the situation as soon as is reasonably possible.

We conduct our responsibilities according to relevant legislation, directives from the Executive Branch of the Ministry, local directives or directives related to our official responsibilities.

We recognize our obligation as C&E program members to immediately report to the local manager any breach of rules and guidelines established to ensure the safety of clients, employees and the public and to uphold the law.

We understand that these Standards of Conduct are based on general principles and not to be considered exhaustive in nature.

Public Service Standards

The requirement to comply with these standards of conduct is a condition of employment. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal. Employees should contact their ministry personnel office for advice and assistance on the interpretation or application of this policy directive.

Loyalty

C&E Program Standards

As C&E program staff, our first duty is to uphold the law *[Forest and Range Practises Act, Forest Act, Forest Practices Code Act of British Columbia].*

Public Service Standards

Public service employees have a duty of loyalty to the government as their employer. The duty of loyalty, committed to in the Oath of Employment, requires public service employees, irrespective of political preferences or affiliations, to serve the government of the day to the best of their ability.

The honesty and integrity of the public service demands that the impartiality of employees, in the conduct of their duties, be above suspicion. Employees' conduct should instil confidence and trust and must not bring the public service into disrepute.

Confidentiality

C&E Program Standards

We recognize our responsibility to protect the privacy of clients and former clients of the C&E program by using information we collect only for intended and authorized purposes; informing clients of the reasons for collecting information; allowing clients to correct material they believe to be incorrect or incomplete; and using a secure method during the disposal of information about clients.

Public Service Standards

Confidential information that employees receive through their employment must not be divulged to anyone other than persons who are authorized to receive the information. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing it. Caution and discretion in handling confidential information extends to disclosure made inside and outside of government and continues to apply after the employment relationship ceases.

Confidential information that employees receive through their employment must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. See the Conflicts of Interest section of this policy directive for details.

Public Comments

C&E Program Standards

We do not discuss or comment on ongoing investigations, completed investigations or the results of administrative hearings or court proceedings other than where we are consulting with appropriate colleagues and or other law enforcement agencies.

Public Service Standards
Public service employees are free to comment on public issues but must exercise caution to ensure, that by doing so, they do not jeopardize the perception of impartiality in the performance of their duties. For this reason, care should be taken in making comments or entering into public debate regarding their ministry policies. Public service employees must not use their position in government to lend weight to the public expression of their personal opinions.

Political Activity

Public Service Standards

Public service employees are free to participate in political activities including belonging to a political party, supporting a candidate for elected office and actively seeking elected office. Employees' political activities, however, must be clearly separated from activities related to their employment.
If engaging in political activities, employees must be able to retain the perception of impartiality in relation to their duties and responsibilities. Employees must not engage in political activities during working hours or use government facilities, equipment or resources in support of these activities.
Partisan politics at the local, provincial or national levels are not to be introduced into the workplace. This does not apply to informal private discussions among co-workers.

Service to the Public

C&E Program Standards

We respect the rights and dignity of all individuals and we will not discriminate, or threaten those persons we have contact with in the course of our duties. We will conduct ourselves in a respectful manner at all times.

Public Service Standards

Public service employees must provide service to the public in a manner that is courteous, professional, equitable, efficient and effective. Employees must be sensitive and responsive to the changing needs, expectations and rights of a diverse public while respecting the legislative framework within which service to the public is provided.

Workplace Behaviour

C&E Program Standards

Our behaviour, on and off duty, should reflect positively on the C&E program and the public service. At work, we conduct ourselves in a manner that promotes a professional image through our words and actions.

It is understood that supervisors will take corrective action when they become aware of discrimination, harassment or disrespectful treatment of a staff member or client by persons acting within the C&E regime.

Public Service Standards

The conduct and language of public service employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. An employee's conduct must not compromise the integrity of the public service.

All public service employees have the right to expect, and the responsibility to create, a workplace where all employees are safe. Violence in the workplace is unacceptable and will not be tolerated. Violence includes any attempted or actual exercise by any person, including another worker, of any physical force so as to cause injury to a worker and includes any express threat of violence.

Employees must report any incident of violence directed towards themselves or their co-workers. Any employee hearing a threat, including a threat to a co-worker, must report that threat if he or she has reasonable cause to believe that the threat is serious. Any incident or threat of violence in the workplace must be addressed immediately.

Employees are to treat each other in the workplace with respect and dignity and must not engage in discrimination or harassment based on any of the prohibited grounds covered by the Human Rights Code. The prohibited grounds are race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, age, political belief or conviction of a criminal or summary offence unrelated to the individual's employment. Employees and supervisors should refer to Personnel Management Policy Directive 3.1, Human Rights in the Workplace - Discrimination and Harassment, for additional information on appropriate workplace behaviour.

Conflicts of Interest/ Professional Conduct with Clients or Former clients

C&E Program Standards

We use authority to promote honesty, fairness and trust.

We do not allow off-duty activities and conduct to interfere with our work obligations as law enforcement officials.

We will not use our badge, title or authority to exert influence, obtain or appear to obtain, grant or appear to grant preferential treatment for ourselves or any other person, group of persons or organization.

We immediately advise our supervisors if we are arrested or charged with a "Criminal Code" or other federal or provincial statutory offence, with the exception of personal minor motor vehicle violations.

If employed in a capacity that requires us to maintain a valid driver's licence, we immediately advise our supervisors if our driving privileges are suspended.

To protect ourselves, we are cautious about relationships or associations with clients and former clients and we will not associate with individuals or groups with connections to ongoing criminal activities.

We avoid circumstances where our relationships with clients or former clients might result in the perception of being in a conflict of interest or call into question the integrity of the C&E program.

As a group and as individuals we promote and encourage community involvement. We understand that certain relationships or association with clients or former clients may be appropriate or inevitable for C&E program staff, such as while engaged in volunteer work, church groups, school functions, social activities or organized events such as sports. However, we also understand that certain relationships or associations with client or former clients may be inappropriate for employees of the C&E program. We know that our on and off-duty conduct is subject to public scrutiny and will be subject to disciplinary review by the Ministry if we engage in any conduct or relationship that might bring the administration of justice into disrepute.

We have a duty to report to our supervisor, in writing, a relationship or association, past or present with a client or former client that may be subject to a Ministry review, as noted above.

When we require clarification or direction to protect the C&E program, the Ministry and ourselves from relationships or associations with clients and former clients, we will discuss the matter in person with our supervisor.

We understand that supervisors and managers are required to advise their Regional Compliance Leader if they believe an unprofessional relationship exists or appears to be developing between a C&E program employee and a client, former client or people who may have an association with these clients.

Public Service Standards

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's actions or conduct could undermine or compromise:

- the public's confidence in the employee's ability to discharge work responsibilities, or
- the trust that the public places in the public service.

While the government recognizes the right of public service employees to be involved in activities as citizens of the community, conflict must not exist between employees' private interests and the discharge of their public service duties. Upon appointment to the public service, employees must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising. Employees with questions regarding interpretation of the policy may discuss them with the designated ministry contact. Employees who find themselves in an actual, perceived or potential conflict of interest must disclose the matter to the designated ministry contact, their supervisor or manager. Employees who fail to disclose may be subject to disciplinary action up to and including dismissal.

Examples of conflicts of interest include, but are not limited to, the following:

- an employee uses government property or the employee's position, office or government affiliation to pursue personal interests;
- an employee is in a situation where the employee is under obligation to a person who might benefit from or seek to gain special consideration or favour;
- an employee, in the performance of official duties, gives preferential treatment to an individual, corporation or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- an employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- an employee benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (for example, investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- an employee requests or accepts from an individual, corporation or organization, directly or indirectly, a personal gift or benefit that arises out of their employment in the public service, other than:
  - the exchange of hospitality between persons doing business together,
  - tokens exchanged as part of protocol,
  - the normal presentation of gifts to persons participating in public functions, or
  - the normal exchange of gifts between friends.
- an employee solicits or accepts gifts, donations or free services for work-related leisure activities other than in situations outlined above.

Allegations of Wrongdoing

C&E Program Standards

We support and apply Ministry of Forests Policy 16. 30 – C&E Program Internal Complaints Policy, and Ministry of Forests Policy 16. 31 – C&E Program Public Complaints Policy in all cases. We recognize that these policies govern the actions of C&E program staff for the purposes of responding to and investigating public and internal complaints of alleged misconduct on the part of C&E program staff. We also understand that these policies do not supersede the following Standards of Conduct for Public Service Employees on this subject.

Public Service Standards

Employees have a duty to report any situation that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (for example, the *Freedom of Information and Protection of Privacy Act*). Employees will not be subject to discipline or reprisal for bringing forward to a deputy minister, in good faith, allegations of wrongdoing in accordance with this policy directive.

Employees must report their allegations or concerns as follows:

- members of the BCGEU must report in accordance with Article 32.13;
- PEA members must report in accordance with Article 36.12;
- other employees must report, in writing, to their deputy minister who will acknowledge receipt of the submission, investigate the matter and respond in writing within 30 days after receiving the employee's submission. Where an allegation involves the deputy minister, the employee must forward the allegation to the Deputy Minister to the Premier.

Employees must report a safety hazard or unsafe condition or act in accordance with the provisions of the WCB Occupational Health and Safety Regulations.

Where an employee believes that the matter has not been resolved by the deputy minister, the employee may then refer the allegation to the appropriate authority. If the employee decides to pursue the matter further then:

- allegations of illegal activity must be referred to the police;
- allegations of a misuse of public funds must be referred to the Auditor General;
- allegations of a danger to public health must be brought to the attention of health authorities; and
- allegations of a significant danger to the environment must be brought to the attention of the Deputy Minister, Ministry of Water, Land and Air Protection.

Legal Proceedings

C&E Program Standards

We do not provide legal advice to our clients or members of the public, but suggest they discuss their concerns with the lawyer of their choice.

When called upon to testify and/or furnish information in the course of an investigation pertaining to the performance of our duties, we will do so in a full, honest, and forthright manner.

Public Service Standards

Employees must not sign affidavits relating to facts that have come to their knowledge in the course of their duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for government in that proceeding or unless it has been approved by a ministry solicitor in the Legal Services Branch, Ministry of Attorney General and Minster Responsible for Treaty negotiations. In the case of affidavits required for use in arbitrations or other proceedings related to employee relations, the Labour Relations Branch, BC Public Service Agency, will obtain any necessary approvals. Employees are obliged to cooperate with lawyers defending the Crown's interest during legal proceedings.
A written opinion prepared on behalf of government by any legal counsel is to be treated as subject to solicitor/client privilege and is, therefore, confidential. Such an opinion is not to be released to persons outside the public service without prior written approval by the Legal Services Branch and/or the Criminal Justice Branch, Ministry of Attorney General and Minister Responsible for Treaty Negotiations.

Working Relations

Public Service Standards

Employees who are direct relatives or who permanently reside together may not be employed in situations where:

- a reporting relationship exists where one employee has influence, input or decision-making power over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work and similar matters; or
- the working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the Employer's interest.

The above restriction on working relationships may be waived provided that the deputy minister is satisfied that sufficient safeguards are in place to ensure that the Employer's interests are not compromised.

Personnel Decisions

C&E Program Standards

We will follow Ministry of Forests Policy 16.26 – Management Roles and Responsibilities within the C&E Program as it pertains to the temporary re-assignment of C&E program staff.

Public Service Standards

Employees are to disqualify themselves as participants in personnel decisions when their objectivity would be compromised for any reason or a benefit or perceived benefit could accrue to them.

For example, employees are not to participate in staffing actions involving direct relatives or persons living in the same household.

Public Service Standards

Outside Remunerative and Volunteer Work

Employees may engage in remunerative employment with another Employer, carry on a business, receive remuneration from public funds for activities outside their position or engage in volunteer activities provided it does not:

- interfere with the performance of their duties as a public service employee;
- bring the government into disrepute;
- represent a conflict of interest or create the reasonable perception of a conflict of interest;
- appear to be an official act or to represent government opinion or policy;
- involve the unauthorized use of work time or government premises, services, equipment or supplies to which they have access by virtue of their public service employment; and
- gain an advantage that is derived from their employment as a public service employee.

Employees who are appointed as directors or officers of Crown corporations are not to receive any additional remuneration beyond the reimbursement of appropriate travel expenses except as approved by the Lieutenant Governor in Council.

Other C&E Program Standards

Use of Government Resources

We understand that government radios are not for unauthorized or personal calls, and we do not use abusive or profane language during transmission. We use government electronic mail and office equipment according to Ministry policy or as authorized by management.

We do not use investigative tools such as cameras, surveillance equipment and audio recording equipment for personal purposes except in accordance with management direction and our collective agreements.

Information gained during the course of any investigation or inspection is not used for any purpose other than in the performance of our duties. We store information gained during the course of an investigation in a manner that ensures confidentiality. We dispose of information gained during the course of an investigation in a manner that ensures confidentiality, and we do not dispose of information gained during the course of an investigation that has been or may be used in any administrative and/or criminal proceedings, other than pursuant to Ministry policy.

We exercise care when responsible for government resources and property, and only use them when conducting authorized duties.

Uniforms

We will not wear our uniforms in off-duty situations that may embarrass or discredit the Ministry. While in uniform, we will not attend public functions or attend political gatherings, except in the course of our duties. We will not consume alcohol while in uniform other than in the privacy of our homes.

Safety

We recognize that during the course of our duties that we may be faced with confrontational situations. In all circumstances, we will act safely and responsibly. In all circumstances our first priority will be to safeguard human life and welfare and this principle takes precedence over any other consideration.

Substance Abuse

We do not report for duty while under the influence of alcohol or drugs other than over the counter or prescribed medications, nor with the odour of alcohol present. We understand that the abuse of alcohol or use of illegal substances during off-duty hours may compromise our professional credibility and the reputation of the C&E program.

Disposal of Material

We will dispose of all materials, equipment, and/or proceeds obtained in performance of our duties in accordance with Ministry policy. In no circumstances will materials, equipment, and/or proceeds obtained in the performance of our duties be used for personal use.

Responsibilities

C&E Program Standards

We are responsible for adhering to these standards of conduct and for preserving the integrity of the C&E program. Each of us is accountable for this responsibility to the public in general, to each other, to our colleagues in the ministry, and to the public service as a whole.

Public Service Standards

Deputy Ministers are responsible for:

- ensuring that the provisions of this policy directive are met;
- ensuring that employees are advised of the required standards of conduct and understand the consequences of non-compliance;
- designating a ministry contact for matters related to standards of conduct;
- ensuring that all possible breaches of the policy directive are thoroughly investigated;
- based on the results of an investigation, ensuring that appropriate action is taken;
- ensuring that confidential information is handled with caution and discretion;
- waiving the provision on working relationships under the circumstances indicated; and
- delegating authority and responsibility, where applicable, to apply this policy directive within their organization.

Supervisors and managers are responsible for:

- advising staff on standards of conduct issues;
- ensuring that confidential information is handled with caution and discretion; and
- assisting staff in the resolution of conflicts of interest.

Employees are responsible for:

- fulfilling their assigned duties and responsibilities, objectively and loyally, regardless of the party or persons in power and regardless of their personal opinions;

- disclosing and resolving conflicts of interest situations in which they find themselves;
- maintaining appropriate workplace behaviour; and
- checking with their designated ministry contact, supervisor, manager or personnel advisor when they are uncertain about any aspect of this policy directive, including:
  - the appropriateness of receiving outside remuneration,
  - potential, perceived or actual conflicts of interest, and
  - releasing any information that may be confidential.

Legislative Authorities

Forests Practices Code of British Columbia Act

Forest Act

Forest and Range Practices Act

Range Act

Wildfire Act [when enacted]

Environmental Management Act

Offence Act.

Human Rights Code

Public Service Act

Freedom of Information and Protection of Privacy Act

Workers' Compensation Act

References

Ministry of Forests Policy Manual

Professional Employees Association Master and Subsidiary Agreements.

B.C. Government and Service Employees' Union Master and Component Agreements.

Personnel Management Policy, Human Rights in the Workplace – Discrimination and Harassment.

Ministry of Forests	**Subject**:	*Internal Complaints Policy: Compliance and Enforcement Program*	**No**:	**16.30**
			Effective:	24-June-04
POLICY MANUAL	**Branch**:	Compliance & Enforcement Branch		
	Signature:	Doug Konkin		

Scope

This policy covers allegations of misconduct on the part of those Ministry of Forests' employees who perform functions and have duties within the Compliance and Enforcement [C&E] regime where those allegations or complaints are made by other government employees.

This policy also covers allegations of improper management interference with C&E investigations.

This policy does not cover allegations of misconduct made by members of the public, including clients and or licensee staff. See Policy 16.31 – Public Complaints Policy.

This policy does not apply to allegations of harassment or discrimination by fellow staff members or supervisory misconduct. Staff should see their collective bargaining agreement representative, or speak to their supervisor, or an independent manager to make a complaint of this nature.

The *Freedom of Information and Protection of Privacy Act* supersedes any directives that may arise from the implementation of this policy.

Purpose

To enable and describe the means for the gathering of facts pursuant to any allegations of misconduct on the part of those Ministry staff performing a C&E function.

This policy does not describe nor override government practise and procedures respecting any government employee disciplinary process.

This policy does not apply to allegations of misconduct made against Ministry staff in the performance of duties outside the C&E program. Allegations of misconduct with respect to staff within other program areas are the responsibility of those program areas.

Background

The reputation of the C&E program, and the establishment and maintenance of public confidence in it depends, in part, on the confidence felt by the public and program member(s) that a complaint against a person performing a C&E function and/or manager responsible for a C&E function will always be fully and impartially investigated and, if substantiated, appropriate action will follow. It is equally important that all employees be protected against false or malicious accusations that may be levelled at them. Therefore, it is imperative that all complaints made against a person performing a C&E program function or a manager responsible for a C&E program function be investigated promptly and impartially reported, recorded and resolved in accordance to approved policy and procedures.

Purpose

To ensure allegations of misconduct are investigated and responded to in a manner that is timely, fair, and transparent.

To ensure that those person/s making allegation/s based upon reasonable grounds are not subject to recrimination or sanction.

Definitions

"ADM" means the Assistant Deputy Minister, Operations & BC Timber Sales.

"BD" means the Director of the Compliance & Enforcement Branch.

"Complainant" means the person making the complaint, or where a complainant has requested confidentiality, the agent acting for that person.

"DCL" means the District Compliance Leader.

"DM" means District Manager.

"Executive Director" means the Executive Director, Operations and BC Timber Sales.

"Misconduct" means any improper action, or failure to act, that brings the administration of justice into disrepute or damages the integrity of the Ministry and or the C&E program.

"RCL" means the Regional Compliance Leader who is the Regional Staff Manager.

"RED" means a Regional Executive Director.

"Subject" means the C&E member or members who are the subject of the internal complaint.

Policy

It is Ministry policy that:

Allegations of misconduct made against staff performing a C&E function will be thoroughly and fairly investigated.

Allegations of improper interference in any C&E investigation or administrative review made against managers will be thoroughly and fairly investigated.

Public Service staff who make allegations in good faith will not suffer recriminations in the workplace.

In all cases, the rights of the complainant and the rights of the subject will be respected.

Subjects will be informed of the specific nature of those allegations, and will have a fair and reasonable opportunity to respond to the allegations. Subjects may have representation during the course of any investigation, and will receive a summary of the results of any investigation.

Where program area staff within the Ministry of Forests who while in the performance of function that is not a C&E function are alleged to have brought the C&E program and/or the administration of justice into disrepute, the C&E program will refer these matters to the manager responsible for that program area. The program area responsible will investigate and provide the C&E program with the results of its investigation and any actions it has taken arising from its investigation. Where it has been determined that the facts support the contention that the C&E program and/or the administration of justice has been brought into disrepute, the RCL will consult with the equivalent program area manager and determine a mutually agreeable remedial course of action designed to prevent similar actions from occurring in the future.

Complaints

Any government employee having a complaint concerning the conduct by staff in the performance of any C&E function may, whether or not that employee is affected by the subject matter of the complaint, make a complaint to the RCL.

All written complaints will be directed to the RCL. By mutual agreement with the BD, the RCL may refer complaints to the BD.

Where the RCL is the direct supervisor of the subject, the RCL will refer the complaint to the BD.

Where an RCL receives a complaint about Headquarters staff, the RCL will refer the complaint to the BD. By mutual agreement, the BD may refer a complaint to a RCL.

DCLs have the discretion to deal with verbal complaints and must do so pursuant to this policy. By mutual agreement, the DCL may refer verbal complaints to the RCL.

Anonymous Complaints

Where a complaint is made and is an anonymous complaint, the complaint will be referred to the RCL. The RCL will review the information provided and consult with the DCL when appropriate. The RCL has the discretion to act upon the complaint, or to choose not to act on the complaint, based upon the information provided. The RCL will document any decision not to investigate an anonymous complaint.

Anonymous complaints do not carry an immediate right of investigation. Care must be given to balance protecting C&E program integrity with protecting individual program members from frivolous, vexatious or unsubstantiated complaints.

Confidentiality

Complainants may request confidentiality. Where confidentiality is requested, the complainant must provide reasons and agree in writing to have their complaint remain confidential throughout the course of the investigation. Where a person makes a request to remain confidential, that person must name an agent to act for them throughout the course of any complaint process or investigation. Requests for confidentiality will be respected.

An agent for a public service employee-generated complaint must be another public service employee. The agent is bound to strict confidentiality with respect to all aspects of the complaint. It is recommended that the agent be a collective bargaining unit representative or a management excluded staff member.

Acknowledgement of Complaint

Every complaint shall be acknowledged in writing if the complaint itself is in writing, or if the complainant requests that the complaint be so acknowledged, within 30 days of receiving the complaint.

Within 30 days of being notified of a complaint, the RCL shall in writing notify the subject, the BD and the relevant DM, DCL and RED, if appropriate, of the substance of the complaint unless, in the RCL's opinion, to do so might adversely affect or hinder any investigation that is being or may be carried out with respect to the complaint.

The RCL, and/or the DCL for verbal complaints, shall consider whether a complaint can be disposed of informally and, with the consent of the complainant and the subject, may attempt to so dispose of the complaint.

Record of Informal Disposition

Any informal disposition of a complaint must be recorded. Any record of any informal disposition by a DCL will be provided to the RCL.

Investigation

The RCL, and the DCL for verbal complaints, has the discretion to attempt to informally resolve any complaints, written or verbal, prior to initiating an investigation.

Except in cases where doing so may compromise an investigation, the RCL will consult with the DCL on the conduct of any investigation.

Where a complaint is not disposed of informally, the complaint shall be investigated by the RCL or his or her designate subject to the RCL's right to refuse to investigate in accordance with this policy.

Where a subject is interviewed during the course of any investigation, the subject will be informed of their right to have a collective bargaining unit representative attend any interview, and the subject will also be informed that any information gained during the course of any such interview may be used during the course of any disciplinary proceedings that may arise from any investigation.

Where an investigation reveals misconduct an investigation report will be provided to the responsible manager for action pursuant to government human resources policies and procedures and the relevant collective agreement(s) where applicable.

Where an investigation reveals that there may be reasonable grounds for an investigation relevant to the jurisdiction of another enforcement agency, the investigator will inform the RCL that he is consulting with the appropriate enforcement agency in order to determine the appropriate course of action. The investigator will then inform the RCL of the joint decision between the appropriate agency and the Ministry as to the future conduct of any investigation.

Investigators may not make recommendations with respect to the nature of any disciplinary actions, or whether or not disciplinary action is appropriate. Investigators may make recommendations on program area policies and procedures, where appropriate.

Investigators may include in any report the available options for management's consideration.

Right to Refuse or Terminate Investigation

The RCL may direct that no investigation of a complaint be commenced, or that an investigation of a complaint be terminated if, in the RCL's opinion

(a) the complaint is not within the jurisdiction of the C&E program and/or concerns actions or functions not within the C&E regime. In these cases, the RCL will direct the complainant to the appropriate responsible program area, or
(b) the complaint is trivial, frivolous, vexatious or made in bad faith, or
(c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable, or
(d) the subject of the complaint and or the circumstances that have generated the complaint are the subject of a C&E program investigation. Should this be the circumstance, the complainant may be informed that they may make a complaint once any investigation and administrative or criminal proceedings have reached their natural conclusion, or
(e) the complaint is an anonymous complaint and does not contain reasonable grounds or adequate evidence to initiate an investigation.

Notification (where the RCL declines to investigate)

Where the RCL declines to investigate, the RCL shall notify the BD, the DCL where appropriate, the subject and the complainant in writing within 30 days of receiving the complaint. Notice will include a summary of the complaint, the reasons to decline or terminate the investigation, and the right of the complainant to request reconsideration of the complaint by the RCL.

Where the complainant requests reconsideration by the RCL, the complainant or the subject must do so in writing within 30 days and provide reasons.

Where a complainant has requested reconsideration, and where a RCL confirms his or her original decision to decline to investigate the complaint, the RCL will refer the complainant to the BD for reconsideration if the complainant is not satisfied with the RCL's determination.

The RCL will provide reasons for a determination respecting a request for reconsideration.

Referrals to BD (where the RCL declines to investigate)

If the complainant is not satisfied with the disposition of the complaint by the RCL, they may refer the complaint in writing to the BD for reconsideration. Where the complainant requests BD reconsideration of a complaint, they must do so in writing, must provide reasons, and must do so within 30 days of receipt of the RCL's final determination of the complaint.

Where the complainant refers a complaint to the BD, the RCL will furnish the BD with all materials and documents relevant to the complaint.

The BD may confirm the RCL's decision; may initiate an investigation; or may recommend to the RCL that an investigation be initiated.

The BD shall send to the complainant, the RCL and the subject within 30 days of receiving a request for reconsideration a report in writing setting out

(a) a summary of the complaint, and
(b) the results of the BD's reconsideration of the complaint, and
(c) a summary of any action that has been or will be taken with respect to resolution of the complaint.

The BD's decision is final.

The BD, and the RCL, may report in writing setting out findings and recommendations with respect to any complaint as the RCL and BD see fit.

Investigations Initiated by the BD

Where the BD is satisfied that there are reasonable grounds to investigate a complaint, or to initiate an investigation notwithstanding any complaint, the Branch Director may initiate a complaint investigation.

The BD shall notify the RCL responsible of any investigation initiated by the BD.

The BD shall notify the Executive Director of any investigation initiated by the BD.

Where Executive Branch of the Ministry of Forests receives a complaint, that complaint will be referred to the BD. The BD will consider the complaint and may initiate an investigation or refer the complaint to the RCL for investigation.

Rules

The BD and the RCLs may initiate procedures to be followed by the C&E program for notifying persons, and for investigating, disposing of, or otherwise dealing with complaints.

Interim Reports

The RCL or BD shall notify in writing the complainant and the subject of the status of any investigation not later than 90 days after being notified of the complaint and every 30 days thereafter during the course of the investigation unless, in the RCL's or the BD's opinion, to do so might adversely affect or hinder any investigation that is being or may be carried out in respect of the complaint.

Final Report

On completion of the investigation of a complaint, the RCL shall send to the complainant, the BD and the subject a report setting out

(a) a summary of the complaint,
(b) a summary of any evidence,
(c) the results of the investigation,
(d) a summary of any action that has been or may be taken with respect to resolution of the complaint,
(e) the right to request a reconsideration by the RCL, as well as the requirement for reasons for a reconsideration; and
(f) the right to refer the complaint to the BD for reconsideration if the person is not satisfied with the disposition of the complaint by the RCL.

Request for Reconsideration of a Final Report

Where a complainant, or the subject of a complaint, disagrees with the content or findings of any Final Report, the subject or the complainant, may, within 30 days of receiving the Final Report, request the RCL to reconsider the report. Any request for reconsideration must include reasons.

The RCL will respond to any request for reconsideration within 30 days. Any response to the request for reconsideration will be provided to the complainant, the BD and the subject of the complaint.

Any response will include the right of the complainant, or the subject, as the case may be, to request further reconsideration from the BD. The person requesting reconsideration must do so within 30 days and must provide reasons.

The BD will respond within 30 days to any request for reconsideration. Any response to the request for reconsideration will be provided to the complainant, the BD and the subject.

The BD may commence an investigation, confirm the RCL's determination or may recommend reopening an investigation.

Review of Complaint

On receipt of a report by the RCL or BD, the Executive Director will review the complaint in light of the findings and recommendations set out in the report.

Decision of Executive Director

After reviewing a complaint report by the BD or the RCL, the Executive Director shall notify the RCL and the BD in writing of any further action that has been or will be taken with respect to the complaint, and where the Executive Director decides not to act on any findings or recommendations set out in the report, the Executive Director shall include in the notice the reasons for not so acting.

Records

The RCL and the BD will establish and maintain a record of all complaints received by the Compliance and Enforcement Program.

Once any investigation has reached its natural conclusion, the responsibility centre will forward all original files to C&E Branch. C&E Branch will record and provide permanent storage for all complaints files.

References

Public Service Standards of Conduct.
C&E Program Standards of Conduct.

Ministry of Forests

POLICY MANUAL

Subject: *Public Complaints Policy: Compliance and Enforcement Program Staff*
Branch: Compliance & Enforcement Branch
Signature: Doug Konkin

No: **16.31**
Effective: 24-June-04

Scope

This policy covers allegations of misconduct on the part of those Ministry of Forests' employees who perform functions and have duties within the Compliance and Enforcement [C&E] regime where those allegations or complaints are made by members of the public, clients, or licensee staff.

This policy does not cover allegations of misconduct made by members of the public service. See Policy 16.30 – Internal Complaints Policy.

This policy does not apply to allegations of misconduct made against Ministry staff in the performance of duties outside the C&E program. Allegations of misconduct with respect to staff performing duties within other program areas are the responsibility of those program areas.

The *Freedom of Information and Protection of Privacy Act* supersedes any directives that may arise from the implementation of this policy.

Background

The reputation of the C&E program, and the establishment and maintenance of public confidence in it depends, in part, on the confidence felt by the public and program member(s) that a complaint against a person performing a C&E function and/or manager responsible for a C&E function will always be fully and impartially investigated and, if substantiated, appropriate action will follow. It is equally important that all employees be protected against false or malicious accusations which may be levelled at them. Therefore, it is imperative that all complaints made against a person performing a C&E program function or a manager responsible for a C&E program function be investigated promptly and impartially reported, recorded and resolved in accordance to approved policy and procedures.

Purpose

To enable and describe the means for the gathering of facts pursuant to any allegations of misconduct on the part of those Ministry staff performing a C&E function.

This policy does not describe nor override government practise and procedures respecting any government employee disciplinary process.

To ensure allegations of misconduct are investigated and responded to in a manner that is timely, fair, and transparent.

To protect and preserve the integrity and reputation of the C&E program and to protect and preserve the integrity and reputation of those staff performing a C&E function.

Definitions

"ADM" means the Assistant Deputy Minister, Operations & BC Timber Sales.

"BD" means the Director of the Compliance & Enforcement Branch.

"DCL" means the District Compliance and Enforcement Leader for one of the Forest Districts.

"Executive Director" means the Executive Director, Operations and BC Timber Sales.

"Misconduct" means any improper action, or failure to act, that brings the administration of justice into disrepute or damages the integrity of the Ministry and or the C&E program.

"RCL" means the Regional Compliance Leader who is a Regional Staff Manager.

"RED" means Regional Executive Director.

"Subject" means the C&E member or members who are the subject of the public complaint.

Policy

It is Ministry policy that:

Allegations of misconduct on the part of staff performing a C&E function will be thoroughly and fairly investigated.

In all cases, the rights of the complainant and the rights of the subject will be respected.

Subjects will be informed of the specific nature of those allegations and will have a fair and reasonable opportunity to respond to the allegations. Subjects may have representation during the course of any investigation and will receive a summary of the results of any investigation.

Where program area staff within the Ministry of Forests who while in the performance of function that is not a C&E function are alleged to have brought the C&E program and/or the administration of justice into disrepute, the C&E program will refer these matters to the manager responsible for that program area. The program area responsible will investigate and provide the C&E program with the results of its investigation and any actions it has taken arising from its investigation. Where it has been determined that the facts support the contention that the C&E program and/or the administration of justice has been brought into disrepute, the RCL will consult with the equivalent program area manager and determine a mutually agreeable remedial course of action designed to prevent similar actions from occurring in the future.

Complaints

Any member of the public having a complaint concerning the conduct by staff in the performance of any C&E function may, whether or not that member of the public is affected by the subject-matter of the complaint, make a complaint to the RCL.

All written complaints will be referred to the RCL. By mutual agreement with the BD, the RCL may refer complaints to the BD.

Where the RCL is supervisor of the subject, the RCL will refer the complaint to the BD.

Where an RCL receives a complaint about Headquarters staff, the RCL will refer the complaint to the BD. By mutual agreement, the BD may refer a complaint to a RCL.

DCLs have the discretion to deal with verbal complaints and will do so pursuant to this policy. By mutual agreement, the DCL may refer verbal complaints to the RCL.

Anonymous Complaints

Where a complaint is made and is an anonymous complaint, the complaint will be referred to the RCL. The RCL will review the information provided and consult with the DCL when appropriate. The RCL has the discretion to act upon the complaint, or to choose not to act on the complaint, based upon the information provided. The RCL will document any decision not to investigate an anonymous complaint.

Anonymous complaints do not carry an immediate right of investigation. Care must be given to balance protecting the C&E program's integrity with protecting individual program members from frivolous, vexatious and or unsubstantiated complaints.

Acknowledgement of Complaint

Every complaint that is not an anonymous complaint shall be acknowledged in writing within 30 days if the complaint is in writing or if the complainant requests that the complaint be so acknowledged.

[All references to RCL hereinafter also apply to the BD where the complaint file has been referred to the BD.]

Within 30 days of being notified of a complaint, the RCL shall in writing notify the subject, the BD and the relevant DM, DCL and RED, if appropriate, of the substance of the complaint unless, in the RCL's opinion, to do so might adversely affect or hinder any investigation that is being or may be carried out with respect to the complaint.

The RCL, and/or the DCL for verbal complaints, shall consider whether a complaint can be disposed of informally and, with the consent of the complainant and the subject, may attempt to so dispose of the complaint.

Record of Informal Disposition

Any informal disposition of a complaint must be recorded. Any record of any informal disposition by a DCL will be provided to the RCL.

Investigation

The RCL, and the DCL for verbal complaints, has the discretion to attempt to informally resolve any complaints, written or verbal, prior to initiating an investigation.

Except in cases where doing so may compromise an investigation, the RCL will consult with the DCL on the conduct of any investigation.

Where a complaint is not disposed of informally, the complaint shall be investigated by the RCL or his or her designate subject to the RCL's right to refuse to investigate in accordance with this policy.

Where a subject is interviewed during the course of any investigation, the subject will be informed of their right to have a collective bargaining unit representative attend any interview, and the subject will also be informed that any information gained during the course of any such interview may be used during the course of any disciplinary proceedings that may arise from any investigation.

Where an investigation reveals misconduct an investigation report will be provided to the responsible Manager for action at his or her discretion in accordance with government human resources policies and procedures, and the relevant collective agreement(s) where applicable.

Where an investigation reveals that there may be reasonable grounds for an investigation relevant to the jurisdiction of another enforcement agency, the investigator will inform the RCL that he is consulting with the appropriate enforcement agency in order to determine the appropriate course of action. The investigator will then inform the RCL of the joint decision between the appropriate agency and the Ministry as to the future conduct of any investigation.

Investigators may not make recommendations with respect to the nature of any disciplinary actions, or whether or not disciplinary action is appropriate. Investigators may make recommendations on program area policies and procedures, where appropriate.

Investigators may include in any report the available options for management's consideration.

Right to Refuse or Terminate Investigation

The RCL may direct that no investigation of a complaint be commenced, or may direct that an investigation of such a complaint be terminated if, in the RCL's opinion

(a) the complaint is not within the jurisdiction of the C&E program and/or concerns actions or functions not within the C&E regime. In these cases, the RCL will direct the complainant to the appropriate responsible program area, or

(b) the complaint is frivolous, vexatious or made in bad faith, or

(c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable, or

(d) the subject of the complaint and/or the circumstances that have generated the complaint are the subject of a C&E program administrative or criminal investigation. Should this be the circumstance, the complainant will be informed that they may make a complaint once any investigation and administrative or other legal proceedings have reached their natural conclusion, or

(e) the complaint does not contain reasonable grounds or adequate evidence to initiate an investigation.

Notification (where investigation is declined)

Where the RCL declines to investigate the RCL shall give notice in writing to the complainant and to the subject of the complaint, and to the relevant DCL, DM, RED and BD within 30 days of receiving that complaint. Notice will include a summary of the complaint, the reasons for declining to investigate, and the right of the complainant to request reconsideration of the complaint by the RCL.

Where the complainant requests reconsideration by the RCL, the complainant must do so in writing within 30 days and provide reasons. Where a RCL confirms his or her decision respecting the complaint, the RCL will refer the complaint to the BD for reconsideration if the complainant or the subject of the complaint is not satisfied with the RCL determination.

The RCL will provide reasons for a determination respecting a request for reconsideration.

Referrals to BD (where the RCL declines to investigate)

A complainant, or the subject of a complaint, who is not satisfied with the disposition of the complaint by the RCL may refer the complaint in writing to the BD for reconsideration. Where a complainant, or the subject of a complaint, requests BD reconsideration of a complaint, the complainant must do so in writing, must provide reasons, and must do so within 30 days of receipt of the RCL's final determination of the complaint.

Where a complainant refers a complaint to the BD, the RCL will furnish the BD with all materials and documents relevant to the complaint.

The BD may commence an investigation or recommend to the RCL that an investigation be initiated, or may confirm the RCL's decision.

The BD shall send to the complainant, the RCL and the subject within 30 days of receiving a request for a reconsideration a report in writing setting out

(a) a summary of the complaint, and

(b) the results of the BD's reconsideration of the RCL's decision to decline to investigate, and

(c) a summary of any action that has been or will be taken with respect to resolution of the complaint.

The BD's decision is final.

The BD, and the RCL, may issue a written report setting out the findings and recommendations with respect to any complaint.

Investigations Initiated by the BD

Where the BD is satisfied that there are reasonable grounds to investigate a complaint, or to initiate an investigation notwithstanding any complaint, the BD may initiate a complaint investigation.

The BD shall notify the Executive Director of any investigation initiated by the BD.

The BD shall notify the applicable RCL of any investigation initiated by the BD.

Where a member of Executive of the Ministry of Forests receives a complaint, that complaint will be referred to the BD. The BD will consider the complaint, will consult with the responsible RCL and will either initiate an investigation or refer the complaint to the RCL for investigation.

Rules

The BD and the RCLs may initiate procedures for notifying persons, and for investigating, disposing of or otherwise dealing with complaints.

Interim Reports

The RCL and/or the BD shall notify in writing the complainant and the subject of the status of any investigation, not later than 60 days after being notified of the complaint and every 30 days thereafter during the course of the investigation unless, in the RCL's or the BD's opinion, doing so might adversely affect or hinder any investigation that is being or may be carried out in respect of the complaint.

Final Report

On completion of the investigation of a complaint, the RCL shall send to the complainant, the BD and the subject, a report setting out

(a) a summary of the complaint,

(b) a summary of any evidence,

(c) a summary of any action that has been or may be taken with respect to resolution of the complaint,

(d) the right of the complainant or the subject to request a reconsideration by the RCL, as well as the requirement for reasons for a reconsideration,

(e) the right of the complainant to refer the complaint to the BD for reconsideration if the complainant is not satisfied with the disposition of the complaint by the RCL.

Request for Reconsideration of a Final Report

Where a complainant, or the subject of a complaint, disagrees with the content or findings of any Final Report, the subject or the complainant, may, within 30 days of receiving the Final Report, request the RCL to reconsider the report. Any request for reconsideration must include reasons.

The RCL will respond to any request for reconsideration within 30 days. Any response to the request for reconsideration will be provided to the complainant, the BD and the subject.

Any response will include the right of the complainant, or the subject, as the case may be, to request further reconsideration from the BD. The person requesting reconsideration must do so within 30 days and must provide reasons.

The BD will respond within 30 days to any request for reconsideration. Any response to the request for reconsideration will be provided to both the complainant and the subject of the complaint.

The BD may commence an investigation, confirm the RCL's determination or may recommend reopening an investigation.

Review of Complaint

On receipt of a report by the RCL or BD, the Executive Director will review the complaint in light of the findings and recommendations set out in the report.

Decision of Executive Director

After reviewing a complaint report by the BD or the RCL, the Executive Director shall notify the RCL and the BD in writing of any further action that has been or will be taken with respect to the complaint, and where the Executive Director decides not to act on any findings or recommendations set out in the report, the Executive Director shall include in the notice the reasons for not so acting.

Records

The RCL and the BD will establish and maintain a record of all complaints received by the Compliance and Enforcement Program.

All responsibility centres will provide C&E Branch with all original files pertaining to all complaints once any investigation has reached its natural conclusion, and C&E Branch will be the custodian of those files.

References

Ministry of Forests Policy Manual.
Public Service Standards of Conduct.
C&E program Standards of Conduct.

Ministry of Forests
POLICY MANUAL

Subject: Government Non-Compliance Reporting
Branch: Compliance & Enforcement Branch
Signature: Doug Konkin

No: **16.32**
Effective: 3-May-04

Scope

This policy applies to government non-compliance with statutory obligations in forestry legislation.

Purpose

To ensure:

- that government non-compliance with forestry legislation is investigated, recorded, and reported;
- that determinations regarding government non-compliance are recorded in an appropriate and timely manner, and that any remedial actions are taken in a timely manner;
- that public confidence in the Compliance and Enforcement (C&E) program is maintained by requiring the C&E program to investigate all alleged government non-compliance in an equitable and timely manner;
- that public confidence is maintained in government's ability to address government non-compliance in a timely and appropriate manner.
- that a high standard of objectivity is maintained when assessing and reporting government non-compliance with statutory obligations; and,
- that the reporting process is efficient with each stage adding value and that the reports of government non-compliance are standardized and accurate.

To improve compliance with forest management statutes by all resource users, and support an open and transparent regulatory system.

Background

C & E program responsibility is to inspect, investigate and enforce statutory obligations in a consistent, fair and reasonable manner regardless of the person(s) responsible for meeting the obligation.

Results from inspections and investigations are used in the evaluation and feedback process to add value to, and to improve forest management planning and implementation.

Definitions

"DCL" - District Compliance Leader.

"DDM" - Delegated Decision Maker.

"Government" - as defined in the *Interpretations Act*.

"Insignificant non-compliance" - Government non-compliance with an impact that is inconsequential, transitory and of small scope or size. E.g. process related incidents or incidents with no damage to an economic, social or environmental value. Incidents of a trivial nature that are not in the public interest to pursue.

"Ledger" - the Government Non-Compliance Form and Report specific to government non-compliance issues within the Ministry's "Compliance Information Management System" (CIMS) data capture and reporting system.

"RED" - Regional Executive Director.

"RCL" - Regional Compliance Leader.

"Significant non-compliance" - any non-compliance by government which is not insignificant. Impacts may be minor or major.

"TSM" - Timber Sales Manager.

Policy

All ministry staff will report all alleged government non-compliance to the DCL and/or the RCL.

Government employees who report an alleged government non-compliance will not suffer any recrimination.

The DCL/RCL will investigate all reported incidents of alleged government non-compliance.

All investigations into alleged government non-compliance, and their outcomes, will be recorded in the Ledger.

The C&E program will maintain the Ledger of all government non-compliance with forestry legislation.

The C&E program will include in any annual report all significant government non-compliance with forestry legislation.

Reported incidents of significant government non-compliance will be considered in regional and district inspection planning procedures.

Responsibilities

All Ministry of Forests' staff, including BCTS staff, will report all incidents of non-compliance with statutory obligations.

C&E program staff will determine whether an incident of government non-compliance meets the criteria for a significant or insignificant incident. The DCL, or the RCL as the case may be, will evaluate all reports of government non-compliance.

C&E program staff will record all incidents of insignificant non-compliance in the Ledger in a timely manner. The DCL will report incidents of significant non-compliance to the RCL in a timely manner. Where regional investigators report on government non-compliance to the RCL, the RCL will notify the DCL.

The RCL, in consultation with the DCL, will assign a lead investigator to all incidents of significant non-compliance.

Where an investigation is initiated into government non-compliance, the TSM and or the DM will be advised of the investigation as soon as is practicable except in those circumstances where doing so may compromise the integrity of any investigation.

To enable accurate and complete reporting of incidents of significant non-compliance, C&E program staff assigned to investigate each significant non-compliance incident shall maintain the Ledger in a timely manner.

The RCL will report annually, or more frequently as he or she deems necessary, on insignificant non-compliance to the TSM and or the DM, and to the RED.

The RCL will report annually, or as he or she deems necessary, on all incidents of significant non-compliance to the RED, the DM and to the C&E Branch QA forester. The RED will report annually, or as he or she deems necessary, on significant non-compliance to the Executive Director of Operations and BC Timber Sales and to the BCTS Director of Operations.

For any alleged BCTS or DM non-compliance that may require a determination by a decision-maker, the RED or his/her designate will be the decision-maker.

It is the responsibility of the decision-maker to ensure procedural fairness, and to make a determination regarding all significant incidents of government non-compliance in a timely manner.

Development of SOP's

Compliance and Enforcement Branch and the Compliance and Enforcement Leaders Team (CELT) shall prepare, communicate and maintain a set of procedures for reporting government non-compliance with forestry legislation.

Records Management and Documentation

The CIMS 'Ledger' will be updated in a timely manner with completed inspections, investigations and determinations.

If an investigation or determination has been withdrawn or had no formal action taken then the reason for the withdrawal or no action taken must be entered into the CIMS 'Ledger'.

References

- *Budget Transparency and Accountability Act*;
- *Forest Act*;
- *Forest Practices Code of BC Act*;
- *Forest and Range Practices Act*;
- *Interpretations Act*;
- *Offence Act*;
- *Range Act*;

- Ministry Policy Manual, Resource Management, Chapter 16, Enforcement;
- Ministry Policy Manual, Resource Management, 17.2, Inspections Policy;
- Ministry Policy Manual, Resource Management, 17.3, Monitoring Policy;
- Ministry Policy Manual, Resource Management, 17.4, Internal Forest Practice Audits Policy; and,
- Ministry of Forests, Compliance and Enforcement Branch, Provincial Compliance Procedures.

Ministry of Forests
POLICY MANUAL

Subject: *Special Provincial Constables*
Branch: Compliance & Enforcement Branch
Signature: Doug Konkin

No: **16.33**
Effective: 10-Sept-04

Scope

This policy applies to all those Ministry staff designated as Special Provincial Constables.

Purpose

To clarify, articulate and limit the exercise of authorities provided within the *Police Act* of those Ministry staff designated as Special Provincial Constables.

To articulate the Public Complaints process as it applies to Special Provincial Constables within the Ministry of Forests.

Definitions

"FRPA" means the *Forest and Range Practices Act*.

"FPC Act" means the *Forest Practices Code Act of British Columbia*.

"pursuit" in the context of this policy means to follow with the intent of overtaking.

"SPC" means a Ministry of Forests employee authorized to exercise the authorities of a Special Provincial Constable pursuant to section 9 of the *Police Act*.

Policy

A person within the Ministry of Forests designated as a SPC pursuant to the *Police Act*, is limited to exercising his or her authority pursuant to his or her mandate and duties as a Forest Officer and Forest Official.

A person within the Ministry of Forests designated as a SPC pursuant to the *Police Act*, is limited to exercising the following authorities in the following manner:

1. Execution of search warrants in order to gather evidence for prosecutions.
    - SPCs may only execute search warrants once they have received training in search warrant application and execution.
    - SPCs will only execute search warrants relevant to investigations of offences under the FRPA, the FPC Act, the Range Act, the Wildfire Act and or the Forest Act, and their respective Regulations.
2. Conduct surveillance operations.
    - SPCs may only conduct surveillance activities once they have received training in surveillance practices and procedures.
    - SPCs may conduct both static and mobile surveillance.
    - SPCs, during the course of any surveillance activities, will not undertake any pursuit of the subject of the investigation.

- SPCs will ensure they do not trespass on private property when they conduct static surveillance.
- SPCs may receive permission from a private property owner to utilize that property to conduct static surveillance on a neighbouring property.
- SPCs may where appropriate photograph the activities of a subject of an investigation.
- Pursuant to Ministry policies, a SPC may purchase forest products without identifying him or herself as an employee of the Ministry of Forests.

3. Operate vehicles pursuant to section 122 of the *Motor Vehicle Act* as emergency vehicles.
    - SPCs may only operate any vehicle pursuant to section 122 of the *Motor Vehicle Act* once they have received training in the BC Provincial Emergency Vehicle Operators Course.
    - SPCs will not undertake pursuit of any vehicle or person during the course of their duties.
4. Seizure of evidence within the context of any investigation.
    - SPCs may seize evidence during the course of an investigation of an offence under the FRPA, the FPC Act, the Range Act, the Wildfire Act and or the Forest Act.
5. Require proper identification of suspects, which may involve detention of some persons.
    - SPCs will not detain persons for the purposes of ascertaining lawful identity until they have completed basic training in the Canadian Use of Force Continuum.
    - SPCs will not use force for the purposes of ascertaining lawful identify.
    - SPCs will not carry any force options tools such as batons or handcuffs, and will not use oleo capsicum spray or similar spray on any person. SPCs may carry oleo capsicum sprays [pepper spray] for personal safety against animals.
6. Despite section 494, Part XVI of the *Criminal Code of Canada*, SPCs will not arrest any person during the course of their duties.

Complaints

All complaints against SPCs will be dealt with as provided for under the provisions of Ministry of Forests Policy 16:31 Public Complaints Policy which reflects and applies the provisions of *the Special Provincial Constable Complaint Procedure Regulation* under the *Police Act*.

Responsibilities

Special Provincial Constables

A SPC is responsible for:

- Recording each incident where they exercise their authority as a SPC.

- Applying for and attending the training necessary to exercise their authorities.

Regional Compliance and Enforcement Managers, Provincial Co-ordinator, and Fire Centre Managers

The above are responsible for:

- Ensuring each SPC receives the required training.
- Ensuring each SPC does not exercise those authorities provided for with this policy until the SPC has received the requisite training.
- Responding to complaints against SPCs pursuant to Ministry Policy and the Special Provincial Constable Complaint Procedure Regulation.

Provincial Co-ordinator, Investigations and Enforcement

The Provincial Co-ordinator is responsible for the SPC annual report.

References

Criminal Code of Canada, section 454.
Special Provincial Constable Complaint Procedure Regulation.
Police Act, section 9.
Motor Vehicle Act, section 122.

Chapter 17 - Compliance Monitoring and Auditing
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17.1 Risk Assessment for Operational Activities
17.2 Inspections
17.3 Monitoring
17.4 Internal Forest Practices Audit

Ministry of Forests
POLICY MANUAL

Subject: Risk Assessment for Operational Activities **No**: **17.1**
Branch: Compliance and Enforcement **Effective**: 23-Oct-96
Signature: Gerry R. Armstrong

Scope

This policy applies to the assessment and documentation of risk associated with operational activities.

Purpose

In recognizing that all operational activities have inherent risk associated with them, the risks should be assessed consistently for each operational activity that the Ministry is responsible for inspecting.

Definitions

For the purposes of this policy:

"operational activities" excludes planning activities, but includes field activities, fire prevention activities, revenue activities, and tenure administration.

Policy

It is Ministry policy that:

A consistent process should be used for evaluating and documenting risk associated with all operational activities, and for allocating Ministry resources in accordance with the identified risk. Allocation of inspection resources should generally be directed at those activities with the highest risk.

Risk Assessment

The risk assessment process will:

- identify operational activities where there is a risk of loss or damage to environmental, social, or economic values
- provide guidance in determining the level and frequency of inspection activities
- provide a decision model for making inspection resource allocation decisions
- document the due diligence exercised by the Ministry

Risk assessment is an ongoing dynamic process. Risk is not static; it can and will change. Risk should initially be assessed as early as practical, prior to the inspection process, and should be continually validated and re-assessed through the process. The plan approval process also identifies or addresses some of the operational risks.

Risk Determination

Risk is determined as the product of the likelihood (or probability) of a detrimental event occurring and the magnitude of the environmental, social, or economic consequence should that event occur.

Risk assessment procedures contain more specific factors for identification and determination of the likelihood of detrimental events and magnitude of consequences associated with operational activities. In addition to these factors, the procedures contain methods for calculating overall risk.

Risk Calculation

Risk is defined as:

Likelihood X Magnitude of Consequence

Likelihood and the magnitude of consequence have three levels: high, moderate, and low. The product (risk) may be very high, high, moderate, or low.

Risk Documentation

Risk should be documented at initial assessment and throughout the inspection process.

Recording of risk calculation provides the rationale for inspection priorities and resource allocation decisions. Risk levels will be incorporated into supporting computer systems where available.

Responsibilities

The **District Manager, Regional Manager,** or **Assistant Deputy Minister, Operations,** is responsible for the assessment and documentation of risk for determination of priorities for inspections for which they are accountable.

References

- Quality Assurance Framework
- *Ministry Risk Assessment Procedures* (Under Development)

Ministry of Forests
POLICY MANUAL

Subject: Inspections
Branch: Compliance and Enforcement
Signature: Gerry R. Armstrong

No: 17.2
Effective: 23-Oct-96

Scope

This policy applies to all inspections of obligations related to operational activities.

Purpose

To provide a framework for activity-specific inspection procedures.

Definitions

For the purposes of this policy:

"inspection" means a regular formal or informal process of officially examining performance at any point in time to assess compliance with legislation, regulations, standards, and contractual and operational plan obligations.

"operational activities" excludes planning activities, but includes field activities, fire prevention activities, revenue activities, and tenure administration.

Policy

Inspections should be prioritized according to the risk assessment within and across activity areas in accordance with the policy and procedures for Risk Assessment for Operational Activities. Risk should be assigned prior to the inspection process and should be continually validated and reassessed throughout the inspection process.

Inspections

It is Ministry policy that inspections should:

- assess and promote compliance with the *Forest Practices Code of B.C. Act*, the *Forest Act*, the *Range Act*, regulations, standards, and contractual and operational plan obligations
- detect and prevent problems related to operational activities

Inspection Phases

Inspections may occur at various stages of an activity: initial, progress, and/or final. At any stage, suspected non-compliance may lead to a follow-up inspection which is a detailed, non-scheduled examination of an activity.

Inspection Level

Initial, progress, and final inspections performed are based on the lifecycle of the operational activity and are dependent on initial risk assessment. There are two levels of inspections: standard and specific.

Standard
A standard inspection is an inspection of the obligations related to operational activities used to assess compliance and is detailed in supporting procedures.

Specific
A specific inspection is a more detailed and focused inspection of an operational activity. Specific inspections are generally used when an initial, progress, or final inspection requires a follow-up inspection.

Inspection Frequency

The frequency of inspections is dependent on the risk assigned. Generally higher risk areas require more frequent inspections.

Inspection Procedures

Inspection procedures based on this policy will detail the content of inspections and how they should be conducted.

Inspection Priorities

Inspection priorities shall be prepared to document what is to be inspected, what is not to be inspected, and the level and frequency of inspections. Inspection priorities should be part of the compliance and enforcement component of business plans.

Use of Contractors

Inspections conducted by contractors are used only to gather information as contractors do not have legislative authority to make Ministry decisions.

Inspection Documentation

Inspections must be documented and recorded.

Inspection Reporting

Results of inspections should be reported both internally and externally in a timely manner. Internal reporting is linked to the business plan process. External reporting includes reporting back to the obligation holder.

Responsibilities

The **District Manager** is responsible for determining district inspection priorities, including the level, phase, and frequency of inspections, and for preparing and implementing an inspection plan commensurate with available resources.

The **Regional Manager** is responsible for inspecting the District Managers' obligations and for determining priorities for these inspections, including the level, phase, and frequency of inspections, and for preparing and implementing an inspection plan commensurate with available resources.

The **Assistant Deputy Minister, Operations,** is responsible for inspecting regional obligations and for determining the priorities of these inspections.

The **Compliance and Enforcement Branch** is responsible for development and coordination of inspection procedures with the support of the Branch Directors. **Branch Directors** are responsible for determining the standards for the inspections for which they are OPR.

References

- Ministry Policy Manual, Resource Management, 17.1, *Risk Assessment for Operational Activities*
- Inspection Procedures (under development)
- Quality Assurance Framework

Ministry of Forests
POLICY MANUAL

Subject: Monitoring
Branch: Compliance and Enforcement
Signature: Gerry R. Armstrong

No: **17.3**
Effective: 23-Oct-96

Scope

This policy applies to the monitoring of Ministry processes related to assessing compliance with, and administration of, statutory and contractual obligations.

Purpose

To provide consistent direction for monitoring of Ministry processes.

Definitions

For the purposes of this policy:

"monitoring" means an ongoing and recurring review of processes to assess if they are being performed, are functioning as intended, and are achieving the desired results.

Policy

It is Ministry policy that:

Monitoring

The Ministry will monitor:

- risk assessment and inspection processes, activities, and performance
- contractual processes
- written advice provided by technical specialists
- compliance and enforcement activities identified in the business plan
- operational plan approval process

Monitoring Documentation

Monitoring activities must be documented and recorded. Results of monitoring may lead to follow-up actions.

Monitoring Reporting

Monitoring activities should be reported through the business plan process. The monitoring report should include:

- monitoring actions undertaken
- results
- implications
- follow-up actions taken or needed to deal with problems found in the monitoring process

Results should be communicated to the Assistant Deputy Minister, Operations, and to Forestry Division Services to coordinate with the internal audit process.

Responsibilities

Although it is expected that monitoring will be undertaken by districts, regions, and branches, the primary responsibility will lie with the regions.

Regional Managers are responsible for preparing monitoring plans, which should in part describe the existing processes to be monitored. Determination of the processes to be monitored should be based on risk assessments. The monitoring plan should be part of the regional business plan.

The **Assistant Deputy Minister, Operations,** is responsible for approving regional monitoring plans and for monitoring regional processes. A monitoring plan should be prepared to describe the processes to be monitored.

References

- Ministry Policy Manual, Resource Management, 17.1, *Risk Assessment for Operational Activities*
- *Forest Act*
- *Forest Practices Code of B.C. Act*
- *Range Act*
- Quality Assurance Framework

Ministry of Forests
POLICY MANUAL

Subject: Internal Forest Practices Audit
Branch: Compliance and Enforcement
Signature: Gerry R. Armstrong

No: **17.4**
Effective: 23-Oct-96

Scope

This policy covers internal forest practices audits conducted within the Ministry of Forests.

Policy

The Ministry will conduct regular independent and objective internal forest practices audits that:

1. Examine the adequacy and efficacy of forest practices and standards implemented on the provincial forest resources;
2. Assess forest practices achievements; and,
3. Assess compliance with statutory requirements under the *Forest Practices Code of British Columbia Act*, the associated regulations and approved operational plans, and with the requirements of Ministry of Forests policies and procedures respecting forest practices.

Role of Internal Forest Practices Audit

Internal forest practices audit is one activity of an integrated quality assurance program meant to provide management with assurance regarding compliance with, and the effectiveness of, forest practice requirements. The other activities are licensing and permitting of companies and individuals to conduct forest practices, and monitoring and inspection of the forest practices conducted.

The mandate of internal forest practices audit is broad, covering all aspects of forest management activities, and may include:

- determining whether the goals and objectives of the forest practices have been effectively met (including cost effectiveness)
- evaluating the adequacy and efficacy of internal controls respecting forest practices; and,
- assessing broad compliance with legislation, policy, and procedures

All internal forest practices audits will be conducted under the direction, knowledge, and guidance of the Chief Forester.

Accountability

Forestry Division carries the primary responsibility for conducting forest practices audits. Forestry Division branches are accountable directly to the Chief Forester, and ultimately to the Audit Committee, for the delivery of an effective internal forest practices audit program.

The Chief Forester will submit annually to the Audit Committee:

- a strategic audit plan identifying scheduled audit activities for the three year audit cycle and a detailed audit schedule for the current year; and,
- an annual report for the past year summarizing audit coverage, major findings, significant unresolved recommendations, and any other matters requiring the attention of the Audit Committee

Operations Division is accountable directly to the Assistant Deputy Minister, Operations, and ultimately to the Audit Committee, for participating in and supporting approved internal forest practices audits.

Responsibilities

Forestry Division, primarily through Forestry Division Services Branch, is responsible for the implementation and maintenance of an effective internal forest practices audit function within the Ministry. Specific responsibilities in this regard shall include, but not be limited to:

- the preparation and implementation of an internal forest practices audit strategic plan and annual audit schedules in consultation with branches, regions, and districts
- the development and implementation of an effective and efficient internal forest practices audit program within the Ministry
- the development, documentation, and distribution of standards for internal forest practices audits within the Ministry
- the development and delivery of internal forest practices audit knowledge and skills training within the Ministry
- providing the Audit Committee with the executive summary of each final audit report, the status of audits in progress, and a summary of the audit results; and,
- conducting of special audits at the request of the Chief Forester

Management is responsible for supporting the internal forest practices audit function within the Ministry. Specific responsibilities for senior managers in this regard shall include, but not be limited to:

- identifying key staff to participate in the preparation of an internal forest practices audit strategic plan and annual audit schedules
- identifying key staff to lead or participate on audit teams
- assisting in the development and implementation of an effective and efficient internal forest practices audit program within the Ministry
- participating in special audits at the request of the Chief Forester

Management is responsible for taking appropriate corrective action to address audit findings and recommendations directed towards their primary responsibility areas. They will prepare and submit to their senior manager a detailed action plan that addresses audit report findings and recommendations within 90 days of the final report being issued.

Planning

All proposed forest practices audits will be identified in an annually updated strategic audit plan covering a three year audit cycle. An annual forest practices audit schedule will be developed for the current year, incorporating input from management across the Ministry.

Audits may also be initiated throughout the year upon request by revising the strategic audit plan and annual audit schedule.

Standards

Internal forest practices audits will be planned and conducted in accordance with the *Internal Forest Practices Audit Standards* for the Ministry.

Reporting

There will be regular communication between management and the audit teams during a forest practices audit. An entry meeting will be conducted with the appropriate management staff to outline the scope and objectives of the forest practices audit, and to confirm schedules for staff interviews and field work.

An exit meeting to present significant findings and recommendations will be conducted with appropriate management staff at the end of the audit field work. Management staff will be given an opportunity to discuss the findings and recommendations with the audit team, and to provide additional information relevant to the findings and recommendations.

A draft audit report will be submitted to management for review and comment prior to issuing the final audit report. The draft audit report will enable management to assess the implications of findings and recommendations, and to determine appropriate actions.

Draft reports will be submitted within 60 days of the completion of field work, and final reports within 30 days after a designated time for management response to the draft report.

The Chief Forester will provide the Audit Committee with the executive summary of each final audit report, the status of audits in progress, and a summary of the audit results.

Exclusion

This policy does not apply to audits conducted by Audit Services Branch, the Office of the Auditor General, the Forest Practices Board, or other central agencies.

References

- Ministry of Forests *Internal Forest Practices Audit Standards* (being compiled)
- Ministry of Forests *Quality Assurance Framework*

Chapter 18 - Corporate Planning
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18.1 Scheduled Change
18.2 Business Plans *(to be developed)*

Ministry of Forests
POLICY MANUAL

Subject: Scheduled Change
Branch: Corporate Policy and Planning
Signature: John Allan

No: **18.1**
Effective: 01-Mar-97

Scope

This policy applies to the introduction and amendment of resource management policies prepared by the Ministry of Forests. It also applies to guidebooks issued under the Forest Practices Code and to all Code-related supplementary guidelines or procedures prepared by Forest Regions and Districts.

Policy

Changes to the policy environment for forest and range management will be implemented in a controlled and scheduled manner. The goal is to provide a predictable policy environment for business planning and for the scheduling of field work.

Definition

For the purpose of scheduled change, policy includes documents and associated information systems that provide direction and guidance to decisions and processes that assist in carrying out the Ministry's mandate. Examples include policy statements, procedures, guidelines, forms, information requirements and associated information systems and Forest Practices Code guidebooks.

Relationship with Existing Policy

Policies will remain in effect until replaced by new or revised policies that meet the conditions of scheduled change.

To ensure that policy is developed in a coordinated manner, draft policy will be reviewed for internal consistency with existing approved policy prior to being finalized.

Transition

Each new policy will include transition provisions to assist with implementation. The time frame between policy approval and full compliance should normally be a minimum of 4 months. Where appropriate, the time frame for transition may be determined in consultation with directly affected stakeholders.

The transition period will generally include a scheduled introduction of specified components of the policy. Anyone who is conforming with the transition provisions of an approved policy is considered to be in compliance with that policy.

Scheduling

The introduction of new or revised policy will normally be scheduled so that changes can be reflected in amendments to business plans, budgets, and planned field activities.

Scheduling will also provide adequate lead time to allow for communication, training and extension, and pre-planning before the policy takes effect.

Consultation

Regions, districts, and other agency staff and stakeholders directly affected by a policy will be consulted during its development and before the final policy is implemented. Where appropriate, policies should be developed in cooperation with other resource agencies.

Exemptions

A decision-maker should vary from the scheduled change policy only where it is necessary to meet a legal requirement, to comply with directives from central agencies of government, such as Treasury Board, or in other situations where policy changes must be implemented immediately.

Responsibilities

The Director, Corporate Policy & Planning Branch will:

- serve as the office of primary responsibility for the scheduled change policy
- develop a transition plan for the policy and monitor its implementation
- carry out periodic evaluations of the policy and make required amendments
- audit to ensure compliance with the policy by all branches, regions, and districts

Branch Directors will:

- ensure that new or revised policy factors in the effects and administrative requirements of existing approved policy to avoid conflicting requirements or outcomes
- ensure that all proposed new or revised policies contain an explicit schedule for implementation and a transition plan to minimize disruption to administrative and field activities
- determine an appropriate transition period, recognizing the competing needs for timely policy change and efficient operational implementation
- use the policy review as a means to solicit information on anticipated transition issues
- coordinate release of new or revised policies with those proposed by other branches
- prior to the policy coming into effect, communicate the policy and interpretative materials to directly affected parties
- provide extension and training to parties involved in implementing the policy
- monitor, evaluate, and amend the policy as required

Regional Managers will:

- ensure that any regional policies and procedures comply with the scheduled change policy
- determine if transition provisions proposed in draft policies are adequate to meet regional needs
- advise the branch which is sponsoring the draft policy of associated training needs and anticipated implementation issues
- once the policy is implemented, monitor its effectiveness and advise the sponsoring branch of any proposed amendments

District Managers will:

- ensure that any District Standard Operating Procedures and related forms comply with this policy
- determine if transition provisions proposed in draft policies are adequate to meet district needs
- advise the branch which is sponsoring the draft policy of associated training needs and anticipated implementation issues
- once the policy is implemented, monitor its effectiveness and advise the sponsoring branch of any proposed amendments

References

No applicable references.

Chapter 19 – Timber Sales
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19.1 Timber Sale Licence Deposit Administration

BRITISH COLUMBIA
Ministry of Forests

MINISTRY POLICY

POLICY SUBJECT		
Timber Sale Licence Deposit Administration		
EFFECTIVE	**RESPONSIBLE BRANCH**	**NUMBER**
July 30, 2004	BC Timber Sales Headquarters	19.1
APPROVED		

Scope

This policy applies to all specified categories of timber sales licences (TSLs) issued under the *Forest Act* unless specifically exempted by the Minister of Forests (the Minister).

Policy

It is the policy of the Ministry of Forests (the Ministry) that security deposits associated with specified categories of TSLs be established and administered in accordance with the following policies and procedures.

Definitions

Specified categories of TSLs	**Specified categories of TSLs** means TSLs competitively awarded pursuant to Sections 20 or 21 (as sec. 21 was prior to its repeal) of the *Forest Act* in which eligibility was restricted to one or more categories of *BC timber sales enterprises*.
Initial deposit	An **initial deposit**, also referred to as a **bid deposit**, is cash, certified cheque or other form of acceptable security that must be paid in accordance with Section 6(1)(b) of the *Advertising, Deposits, Disposition and Extensions Regulation* (ADDR).
Additional deposit	An **additional deposit** is cash, certified cheque or other form of acceptable security that must be paid by a successful applicant for a specified category of TSL in accordance with Section 6(3) of the ADDR.
Final deposit	A **final deposit**, also referred to as a **licence deposit** or **security deposit**, is cash, certified cheque or other form of acceptable security equal to the sum of the **initial deposit** plus the **additional deposit**.
Upset stumpage rate	The **upset stumpage rate** is the initial stumpage rate determined in accordance with the Coast and Interior Appraisal manuals as amended from time to time.
Total stumpage rate	The **total stumpage rate,** also known as the **final stumpage rate** or **stumpage rate** is the sum of the **upset stumpage rate** plus any bonus bid.

Pre-issuance Deposit Management

Applications

Each application for a specified category of TSL must be accompanied by an initial deposit established in accordance with the *Forest Act*, the ADDR, the *Particulars for the Invitation for Applications* (Particulars), and this policy.

Calculation of initial deposit

Subject to the Particulars, the exceptions described below, and for the purposes of Section 6(1)(b) of the ADDR, timber sales managers will establish the initial deposit in a manner consistent with the default amount calculated in accordance with Section 7(1)(c)(i) of the ADDR.

Exceptions

(a) In cases where the total estimated upset stumpage is anticipated to be less than $3,000, and pursuant to Section 6(2) of the ADDR, the initial deposit will be $500 or $0.

(b) In cases where an assessment indicates a significant risk that the successful applicant for a TSL may fail to enter into the agreement (e.g., large volume TSL at minimum stumpage rates), pursuant to Sections 6(1)(b) and 7(1)(c)(i) of the ADDR, the initial deposit will be an amount that is not less than:

- the default amount calculated in accordance with Section 7(1)(c)(i); or
- at the discretion of the timber sales manager, and subject to the increased rate being advertised, an amount that does not exceed 25% of the total estimated upset stumpage value.

Return of bid deposits

Pursuant to Section 8 of the ADDR and the Particulars, if an application for a specified category of TSL is not approved, timber sales managers will refund the initial deposit paid in respect of the application if satisfied that there is no longer a need for the initial deposit. Prior to doing so, timber sales managers will confirm that:

1. The highest eligible application has been identified and formally approved as indicated on the FS69 – *Sale of Crown Timber Bid and Deposit Record*; and
2. The initial deposit associated with the unsuccessful application is not needed to offset an outstanding debt payable to the Government.

Calculation of final deposit

For the purpose of Section 6(3) of the ADDR and as described within the Particulars, the final deposit will be consistent with the default amount calculated in accordance with Section 7(1)(c)(ii) of the ADDR.

Exceptions

(a) In cases where an assessment indicates a significant risk to the Crown resulting from a potential incidence of non-conformance with a contractual requirement or non-compliance with a statutory requirement that is associated with the TSL, pursuant to Sections 6(3) and 7(1)(c)(ii) of the ADDR, the final deposit will be an amount:

- that is not less than the default amount calculated in accordance with Section 7(1)(c)(ii); or
- at the discretion of the timber sales manager, and subject to the increased rate being advertised, an amount that does not exceed 50% of the total estimated stumpage value.

(b) Where the final deposit is anticipated to be an amount that is less than the initial deposit (e.g., a 60 000m^3 helicopter TSL with an upset rate of \$0.25/m^3 and a bonus bid of \$0, would yield a \$3,000 bid deposit and a \$1,500 final deposit), the final deposit shall equal the initial deposit.

Submission of additional deposit

The applicant whose application for a specified category of TSL is approved must pay on the demand of a timber sales manager, and before entering into the TSL, either:

- the additional deposit; or
- replace the initial deposit with a final deposit.

In the event that the applicant fails to pay the required additional deposit or final deposit within:

(a) 14 days following the date of demand, or

(b) a shorter period of demand as established in accordance with BC Timber Sales policy and as described within the Particulars, the timber sales manager shall, for the purposes of Section 9(1) of the ADDR and Section 78(4)(a) of the *Forest Act*, consider the applicant having refused to enter into the agreement.

Acceptable forms of deposits

Deposits must be in one or more of the following forms:

- cash, money order, bank draft, or certified cheque, payable to the Minister of Finance;
- a Safekeeping Agreement form executed by a chartered bank, credit union or trust company, verifying that assignable securities in the amount designated by a timber sales manager, are being held in safekeeping, and the rights and claims to the securities have been assigned to Minister of Finance; or
- an Irrevocable Letter of Credit, issued by a chartered bank, credit union or trust company, payable to the Minister of Finance, with a termination date not less than 120 days after the date of the deadline for applications, and which, if submitted by the successful applicant, must be replaced. Any Irrevocable Letter of Credit shall incorporate the following statement:

  "This Letter of Credit shall be deemed to be automatically extended on an annual basis without any formal amendment unless, thirty days prior to the

present expiry or any future expiry date as automatically extended, we shall notify {name and address of licensee} *and* {timber sales manager and address of BC Timber Sales Office} *in writing that we elect not to extend the Letter of Credit for any further period, and at the same time forward to the Timber Sales Manager, together with such written notice of election, a bank draft payable to the Minister of Finance in the amount of* {$_______} *less any amount previously paid under this Letter of Credit.".*

Post-issuance Deposit Management

Extension, Surrender, Expiry, Cancellation

Deposits associated with specified categories of TSLs that have been successfully entered into shall be administered in accordance with the general procedures described within Schedules A and B.

Responsibilities

Director, BC Timber Sales Business Operations

The Director, BC Timber Sales Business Operations is responsible for:

- Monitoring the effectiveness and administration of this policy;
- Recommending changes to this policy to Executive, when required; and
- Providing advice to the Director, BC Timber Sales Operations; and timber sales managers with respect to the implementation of this policy.

Director, BC Timber Sales Operations

The Director, BC Timber Sales Operations is responsible for:

- Recommending changes to this policy to the Director, BC Timber Sales Business Operations; and
- Providing advice to the timber sales managers with respect to the implementation of this policy.

Timber Sales Manager

The Timber Sale Manager is responsible for:

- Implementing and administering this policy; and
- Recommending changes to this policy to the Director, BC Timber Sales Business Operations and Director, BC Timber Sales Operations.

Effective Date

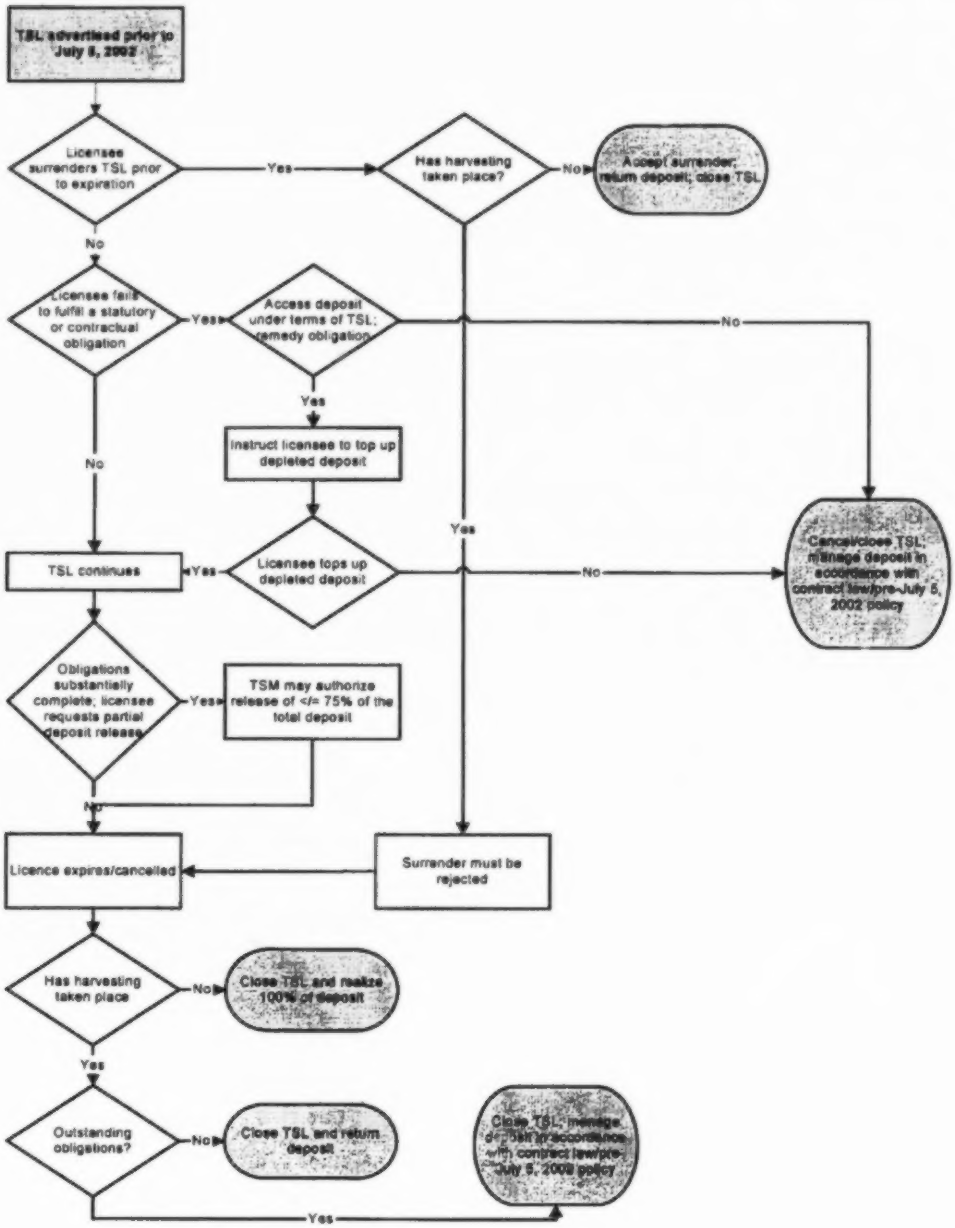
This policy is in effect July 30, 2004.

References

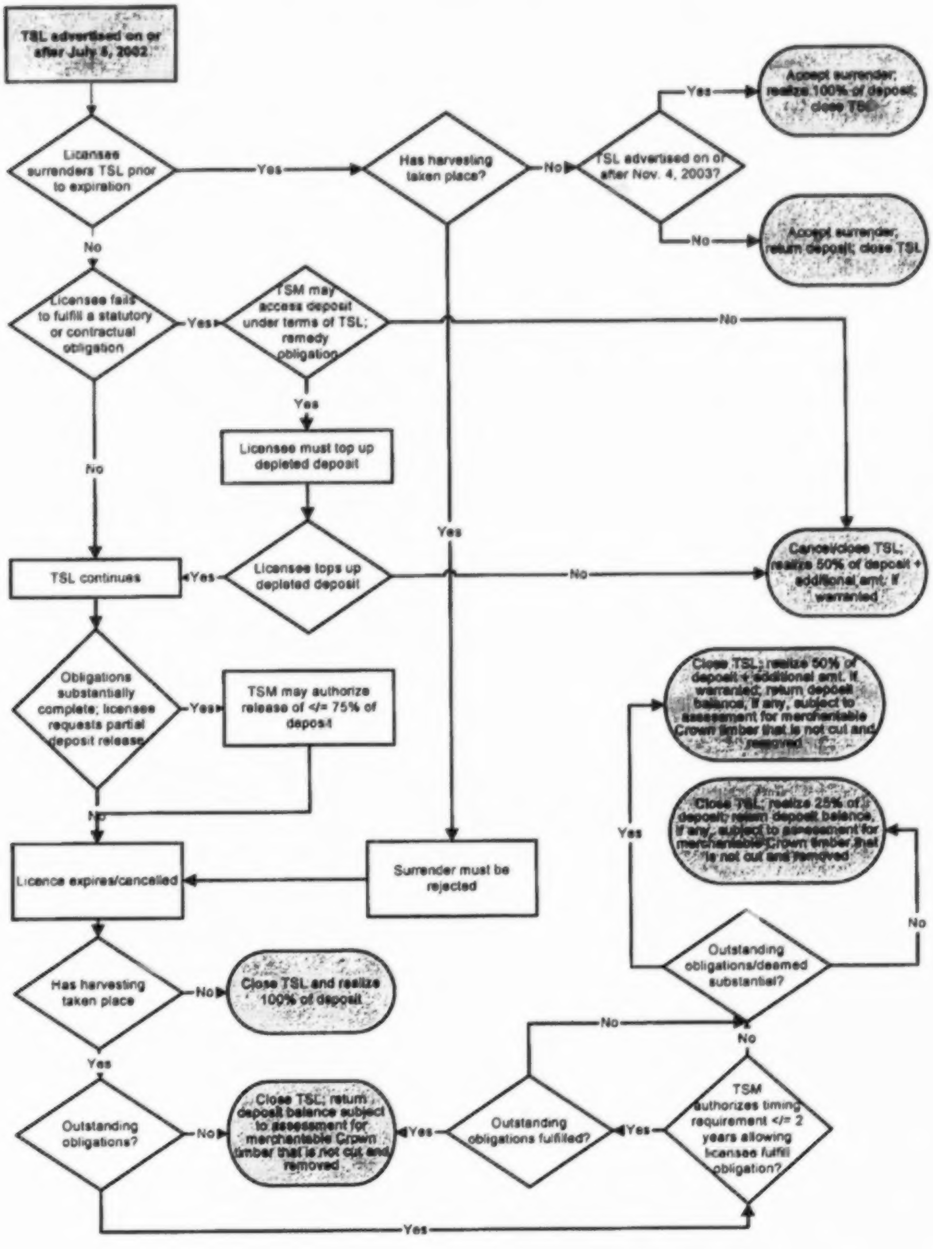
- *Forest Act*, ss. 20, 21 as it was prior to its repeal, 22, 58.3 and 78

- *BC Timber Sales Regulation* (BC Reg. 265/88)
- *Advertising, Deposits, Disposition and Extensions Regulation* (BC Reg. 552/78)

Schedule A - General post-issuance deposit management procedures for TSLs advertised prior to July 5, 2002


TSL advertised prior to July 5, 2002
Licensee surrenders TSL prior to expiration
Yes
Has harvesting taken place?
No
Accept surrender; return deposit; close TSL
No
Licensee fails to fulfill a statutory or contractual obligation
Yes
Access deposit under terms of TSL; remedy obligation
No
Yes
Instruct licensee to top up depleted deposit
No
Yes
Cancel/close TSL; manage deposit in accordance with contract law/pre-July 5, 2002 policy
TSL continues
Yes
Licensee tops up depleted deposit
No
Obligations substantially complete; licensee requests partial deposit release
Yes
TSM may authorize release of </= 75% of the total deposit
No
Licence expires/cancelled
Surrender must be rejected
Has harvesting taken place
No
Close TSL and realize 100% of deposit
Yes
Outstanding obligations?
No
Close TSL and return deposit
Close TSL, manage deposit in accordance with contract law/pre-July 5, 2002 policy
Yes

Schedule B - General post-issuance deposit management procedures for TSLs advertised on or after July 5, 2002


TSL advertised on or after July 5, 2002
Licensee surrenders TSL prior to expiration
Yes
No
Has harvesting taken place?
No
TSL advertised on or after Nov. 4, 2003?
Yes
Accept surrender; realize 100% of deposit; close TSL
No
Accept surrender; return deposit; close TSL
Licensee fails to fulfill a statutory or contractual obligation
Yes
TSM may access deposit under terms of TSL; remedy obligation
No
Yes
Licensee must top up depleted deposit
No
Yes
TSL continues
Yes
Licensee tops up depleted deposit
No
Cancel/close TSL; realize 50% of deposit + additional amt. if warranted
Obligations substantially complete; licensee requests partial deposit release
Yes
TSM may authorize release of </= 75% of deposit
No
Close TSL; realize 50% of deposit + additional amt. if warranted; return deposit balance, if any, subject to assessment for merchantable Crown timber that is not cut and removed
Close TSL; realize 25% of deposit; return deposit balance, if any, subject to assessment for merchantable Crown timber that is not cut and removed
Yes
No
Licence expires/cancelled
Surrender must be rejected
Outstanding obligations/deemed substantial?
Has harvesting taken place
No
Close TSL and realize 100% of deposit
Yes
No
No
Outstanding obligations?
No
Close TSL; return deposit balance subject to assessment for merchantable Crown timber that is not cut and removed
Yes
Outstanding obligations fulfilled?
Yes
TSM authorizes timing requirement </= 2 years allowing licensee fulfill obligation?
Yes

Schedule C – Pre-July 5, 2002 TSL Deposit Management Policy[1]

"...authority to take from the deposit comes from the timber sale licence agreement, the deposit disposition must be part of a separate determination. On termination of timber sale licences, decision-makers should consider whether there are non-compliances and/or outstanding obligations. If these non-compliances or outstanding obligations exist the decision-maker should consider the relative value and importance of the non-compliances and outstanding obligations, and the impacts on the government if these are allowed to go uncorrected or unassessed for damages. If the decision-maker believes that government has suffered legitimate damages or costs, there are provisions in the licence documents regarding taking money from the licence deposit to cover damages suffered by the licensor (government).

The process to follow in using the licence document deposit provisions is as follows:

1. *Determine whether or not the government has suffered damages (examples might include: costs of reselling the timber remaining on the licence; loss of value (due to high grading); or loss of revenue.*
2. *Draft the determination referencing the appropriate licence paragraphs on deposits (paragraph 2.03 in the pre-code document, and the "financial and Deposits Part" in the post-code documents).*
3. *Refer the determination letter along with the referenced timber sale licence document paragraphs, to...*[BC Timber Sales Headquarters]*... and Ministry of Attorney General, Legal Services Branch, for comment. There are some risks to taking money from the deposit and its best to have these risks assessed by legal counsel prior to making the determination...determinations (e.g., deposit disposition) under the licence document are not subject to review and appeal."*

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[1] Reference excerpt from p.3 of memorandum entitled "*Re: Forfeiture of Timber Sale Licence Deposits*", signed by then Assistant Deputy Minister, Janna Kumi December 22, 1997.

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